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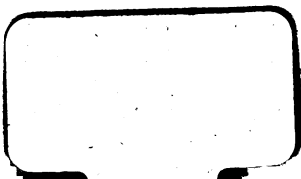
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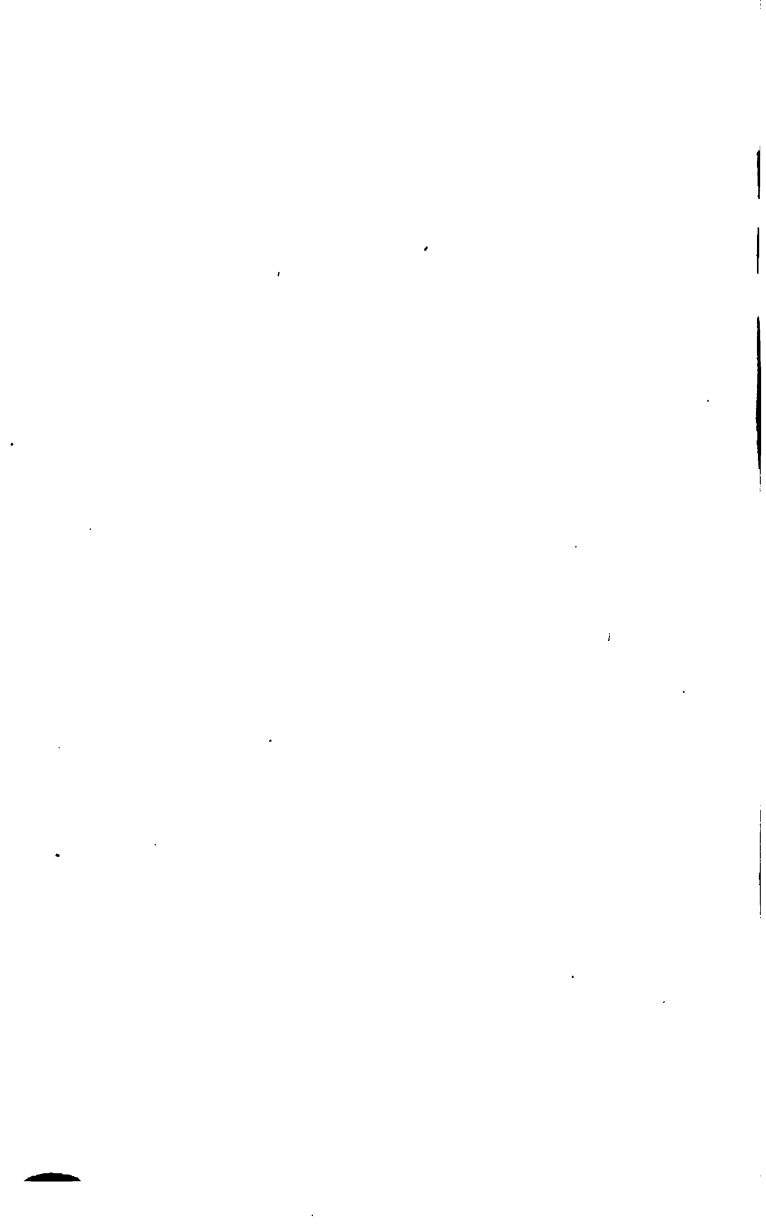
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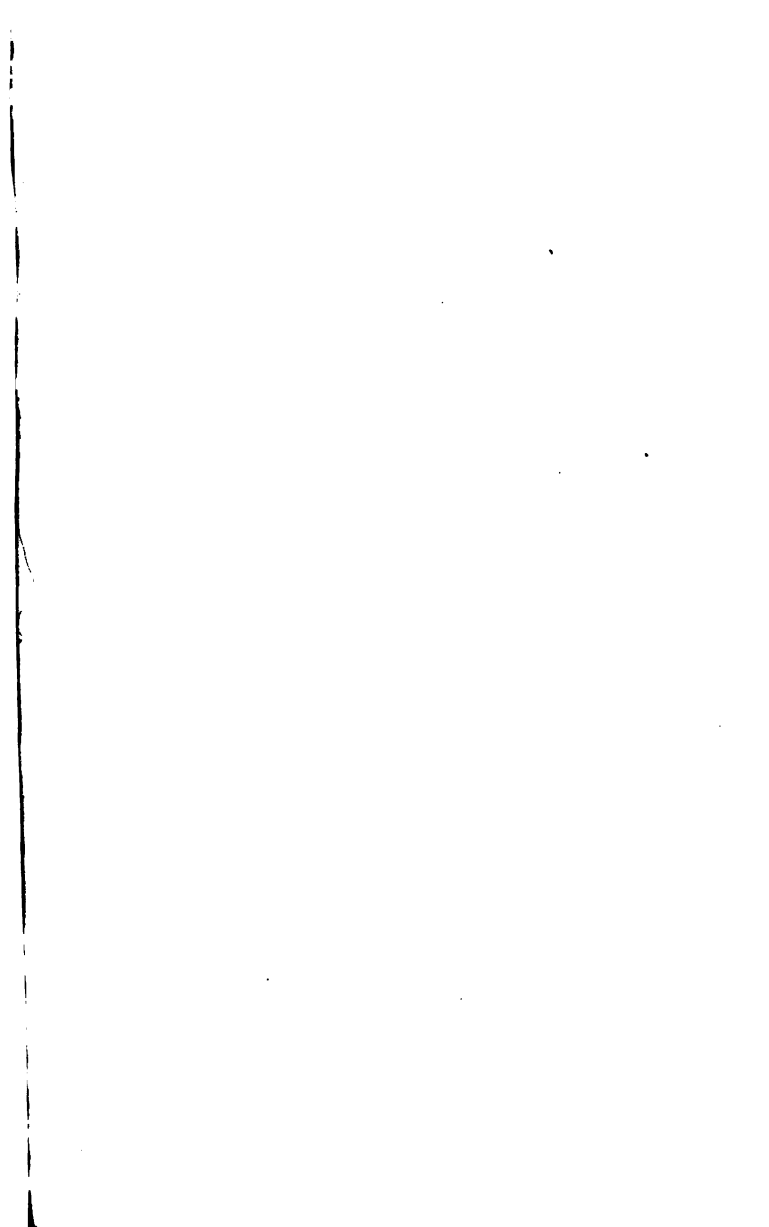
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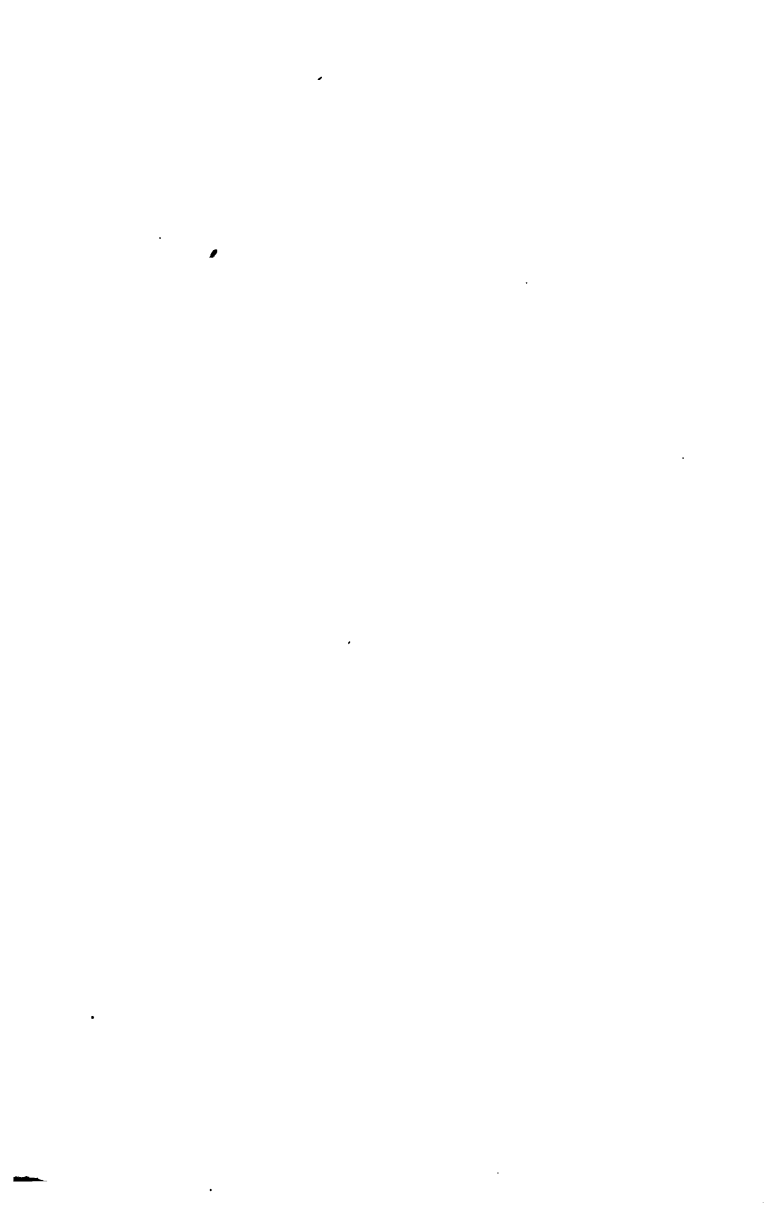
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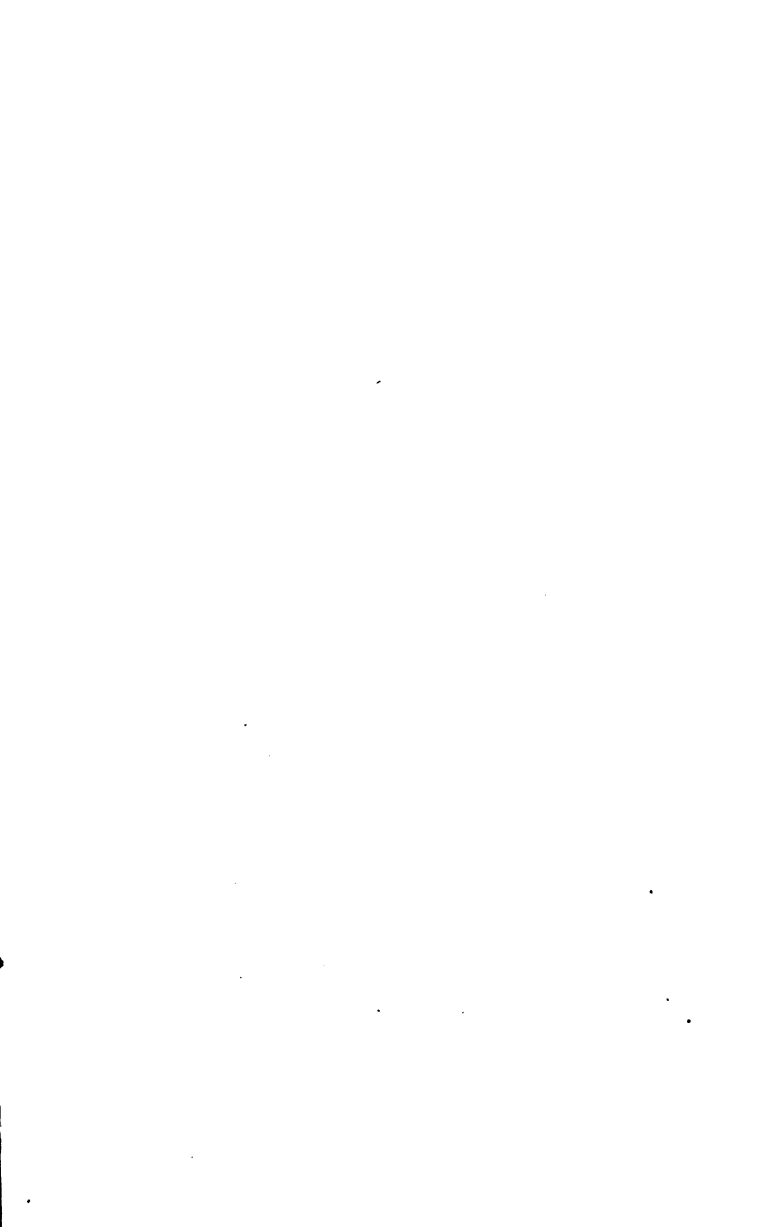


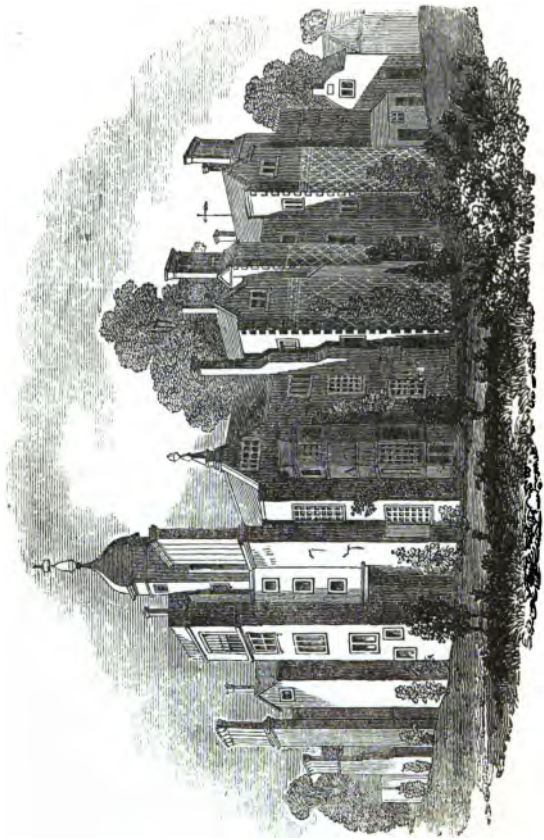












Hendlip House, as it stood in the year 1800.—See p. 302.

CRIMINAL TRIALS,

SUPPLYING

COPIOUS ILLUSTRATIONS OF THE IMPORTANT
PERIODS OF ENGLISH HISTORY

DURING THE REIGNS OF

QUEEN ELIZABETH AND JAMES I.;

TO WHICH IS ADDED

A NARRATIVE OF THE GUNPOWDER PLOT,

WITH

HISTORICAL PREFACES AND NOTES.

BY

DAVID JARDINE, Esq.

Vol. II.

LONDON:

M. A. NATTALI, 23, BEDFORD STREET,
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P R E F A C E

THE materials applied to the illustration of the trials in this volume originally formed part of a detailed narrative of the Gunpowder Plot, and were intended for publication as a separate work. That intention having been abandoned, for reasons which would not interest the reader, it was suggested that the facts collected for that purpose might be advantageously used as an introduction to the trials of the several conspirators. The obvious objection to this proposition was, that if the historical introduction were given so much in detail as to render it either interesting or valuable, it would necessarily exceed the office of an illustration of the trials, and become, both in importance and extent, a prominent part of the work, instead of being merely accessory to the main design. On the other hand, in a collection of Criminal Trials intended to illustrate English history, it was impossible to pass over so important an event as the Gunpowder Plot; and in order to render the imperfect reports of the proceedings arising out of this transaction entertaining, or even intelligible, a narrative of the circumstances which occasioned and attended it was absolutely indispensable, and the more detailed and minute the narrative, the more likely it was considered to be to effect the object of this series, by combining entertainment with useful information. For this reason it was determined to be more expedient to encounter the objection above alluded to, and to devote a volume to the subject, than to omit these trials altogether from the series.

The source from which by far the greater part of the

following pages has been drawn is the collection of original documents respecting the Gunpowder Plot, at the State-Paper Office, arranged and indexed some years ago by Mr. Lemon. Although it was not thought expedient by the Privy Council of James I. to publish to the world much information respecting the plot, it is clear, from the existence of this mass of evidence, that they were in possession of full knowledge of its minutest details. Perhaps no conspiracy in English history was ever more industriously inquired into. For nearly six months the inquiry almost daily occupied the earnest attention of the Commissioners appointed by the King to examine the prisoners and witnesses, during the whole of which time their labours were zealously aided by Chief Justice Popham, Sir Edward Coke, Sir Francis Bacon, and several others of the most acute and experienced lawyers of the day. More than five hundred depositions of witnesses and real or supposed confederates were taken, a large proportion of which, together with numerous contemporary letters and papers relating to the transaction, are still in existence at the State-Paper Office. Besides those documents which have remained in the Office, as their proper place of custody, ever since the time of the first Earl of Salisbury, many papers appear to have been added at a later period. When Sir Edward Coke was discharged by James I. from his judicial station in 1618, his papers were seized by order of the Privy Council, and deposited in the State-Paper Office; and it appears from an inventory of the articles so deposited, in the hand-writing of Sir Thomas Wilson, who shortly afterwards became keeper of the State papers, that, among many other documents of a public and private nature, there was "a black buckram bag containing papers about the Powder Plot." As many of the most valuable documents in the collection are copies

bearing Sir Edward Coke's indorsement, or some quaint remark or quotation in the hand-writing of that singular legal pedant, it is probable they formed a part of the contents of that "buckram bag."

Although partial extracts from this collection of papers have been published in the course of the numerous controversies which have taken place upon this much debated subject, they have never been carefully digested and laid before the public in the form of a connected narrative. For many years previously to the passing of the Catholic Relief Bill, whilst the propriety of that measure was the subject of animated discussion in every session of Parliament, proposals for the publication of these papers were discouraged from just and laudable motives, under a reasonable apprehension that such a publication, sanctioned as it must have been in some measure by the government, would have tended to prejudice that great question. Since this objection is removed, it is much to be desired that some individual possessing the requisite industry and impartiality would undertake the laborious task of reducing these materials into order, comparing and weighing them against materials derived from other sources, and thus composing a critical history of the Gunpowder Plot. It appears from some papers among the Tanner Manuscripts in the Bodleian Library that an undertaking of this kind was at one time contemplated by Archbishop Sancroft. The circumstance is not mentioned by any of his biographers, and it is unknown at what period of his life he commenced the undertaking; though it may be conjectured that his attention was directed to the subject by the discussions between the Papists and Protestants at the time of the Popish Plot. At all events, he did not proceed further than a partial collection of materials respecting the plot, and it is quite uncertain whether he intended to write a contro-

versial or a purely historical work. Several documents, the originals of which were not to be found, and are probably not in existence, have been inserted in this volume from the copies in Sancroft's handwriting.

Although the documents upon the subject of the Gunpowder Plot preserved at the State-Paper Office are very numerous, and constitute a body of evidence of incalculable value to the historical inquirer, the collection is not by any means complete. Many important papers, which were particularly mentioned and abstracted by Bishop Andrews, Dr. Abbott, Casaubon and other contemporary writers, and some of which were copied by Archbishop Sancroft from the originals so lately as the close of the 17th century, are not now to be found. It is remarkable, that precisely those papers which constitute the most important evidence against Garnet and the other Jesuits are missing; so that if the merits of the controversy respecting their criminal implication in the Plot depended upon the fair effect of the original documents now to be found in the State-Paper Office, impartial readers might probably hesitate to form a decided opinion against them. The papers of particular importance upon this part of the subject are the minutes of an overheard conversation between Garnet and Oldcorne in the Tower, dated the 25th February, 1605-6, an intercepted letter from Garnet addressed to "the Fathers and Brethren of the Society of Jesus," dated on Palm Sunday, a few days after his trial, and an intercepted letter to Greenway, dated April 4, 1605-6. That all of these papers were in the State-Paper Office in 1613, when Dr. Abbott wrote his *Antilogia*, in 1613, is evident from the copious extracts from them published in that work; and a literal copy of the first of them, made by Archbishop Sancroft many years afterwards

from the State Papers, is still in existence. The originals of these documents, and many others mentioned by Dr. Abbott and Sancroft, are, however, not now to be found in the proper depository for them; and it is undoubtedly a singular accident that, amongst so large a mass of documents, precisely those should be abstracted upon whose authenticity the question so hotly disputed between the Catholics and Protestants mainly depended.

Many of the facts in the following narrative are taken from a manuscript relation of Father Greenway, brought by Dr. Lingard from Rome, and much relied upon by him in the interesting account of this conspiracy given in his History of England. Greenway's Narrative consists of a copious relation of all the details of the plot, from its commencement until the execution of Garnet. It is in the Italian language, and evidently translated from the original English. Though little is known of the history of this manuscript, there is strong internal evidence that it was written by Greenway, probably at the suggestion of the Pope or of the Father-General of the Jesuits, in order to vindicate his own conduct and that of Garnet from the charge of having encouraged the plot. His description of the personal characters of the principal conspirators, with most of whom he was familiarly acquainted; his account of their general conduct—their superstitious fears—their dreams—"their thick-coming fancies"—in the progress of the work of destruction, are extremely interesting. His speculations, too, respecting the letter to Lord Mounteagle and the probable treachery of Tresham are well worthy of attention: nor is there any reason in matters of this kind to doubt his veracity, excepting that some allowance must be made for the partial colours in which he depicts the characters of the conspirators. According to his statement,

the men who contrived this monstrous and cruel treason were the gentlest, the most benevolent, and the most pious of the human race; and if we are to believe Father Greenway, "the seven gentlemen of name and blood," as Fawkes truly calls them, who worked in the mine, together with those who afterwards joined them, composed as amiable a company, with respect to virtues and accomplishments, as could have been desired. But in the relation of facts which bear upon the main object of his work, namely, the exculpation of Father Garnet and himself from the heavy imputation cast upon them, his Narrative is entitled to no credit whatever; his statements in this part of his story, to which he sometimes adds the most solemn asseverations of their truth, being often not only incredible in themselves, but directly contradicted by the express and repeated admissions of Garnet and the principal confederates. It is clearly demonstrated by many facts detailed in the following pages that Greenway was a full accomplice in the plot. Garnet, having learned that Greenway had escaped, rested his own defence upon the crimination of his brother Jesuit; and it will be seen in the following pages that the testimony of Father Oldcome, and more particularly that of Bates, exhibit Greenway, not only as privy to the design of the conspirators from its first formation, but as a zealous and active confederate, approving, promoting, and encouraging it with the utmost enthusiasm. The statements of such a person, writing probably at the command of his superiors, for the express purpose of justifying himself and the other English Jesuits, must of course be received with caution in all particulars relating to their connection with the plot. Collaterally, however, this Narrative affords the most satisfactory proof that the Gunpowder Plot was neither encouraged nor approved at Rome for when Greenway is called upon by

his religious superiors to vindicate himself from the charge imposed upon him at the trials of the conspirators, he does not venture to admit his share in the transaction, but writes a laboured exculpation of himself, and condemns the plot in unequivocal terms, calling it a "rash, desperate, and wicked" conspiracy, and speaking of its prevention as a special interposition of Providence. He succeeded in deceiving those in authority at Rome, by his hypocrisy and falsehood; for he was afterwards appointed Penitentiary to the Pope, and is said to have enjoyed during the remainder of his life the full favour and confidence of Paul V.

Much information respecting the family connections of the conspirators, and the domestic history of the Catholics shortly before the period of the Gunpowder Plot, has been derived from a mass of papers lately discovered in a singular manner at Rushton, in Northamptonshire. In the early part of the year 1832, on the removal of a lintel over an ancient doorway in the old mansion of the Treshams at Rushton, a handsomely-bound breviary fell out upon the workmen. On further search, an opening was discovered in a thick stone wall, of about five feet long and fourteen or fifteen inches wide, almost filled with bundles of manuscripts, and containing about twenty Catholic books in excellent preservation. The contents of the manuscripts were various; consisting of historical notes by Sir Thomas Tresham, rolled up with building bills, deeds, and farming contracts, of no interest or importance, and also of a portion of the domestic correspondence of the Tresham family between the years 1590 and 1605. The paper of the latest date is a memorandum, without a signature, of certain bonds, therein stated to have been delivered up to Mrs. Tresham on the 28th of November, 1605, by the writer of the memorandum. In all probability,

therefore, this was about the period when these books and papers were enclosed. Sir Thomas Tresham died in September, 1605, and his estates upon that event descended to Francis Tresham, his eldest son, the conspirator in the Gunpowder Plot. Upon his apprehension, which took place on the 12th of November, it is natural to suppose that his papers at Rushton would be destroyed or concealed by his friends. From the almost total absence of letters of a political tendency amongst the papers thus discovered, it is probable that all such were destroyed. By the liberality of Mr. Hope, the present proprietor of Rushton, I have been favoured with a perusal of these papers; and though there is nothing among them specifically relating to the Gunpowder Plot, they contain much valuable information upon the condition and domestic history of the Catholics at that period, their expectations from James I., and their grievous disappointment on his accession; and they throw great light upon the causes which led to the conspiracy.

For the indictments and the facts connected with the formal proceedings on the several trials, which are for the first time accurately published in the following reports, the reader is indebted to Mr. Dealtry, of the Crown Office, by whose kind assistance I was enabled to obtain access to the *Baga de Secretis*, at a time when I contemplated a more extensive work upon this subject. The *Baga de Secretis* is a depository for records of attainders, convictions, and other matters chiefly relating to the title of the Crown to forfeited lands, commencing in the reign of Edward IV. From ancient usage, the most scrupulous care has always been observed in the custody of these records; the bag (which is in reality a large press filled with records) being secured by three different locks, the keys of

which are separately kept by the Lord Chief Justice, the Attorney-General, and the Custos Brevium, and being never in practice opened without the concurrent authority of these officers. In consequence of this extreme caution in the custody of records supposed to affect the revenues of the Crown, permission has rarely been granted to open the *Baga de Secretis*, and consequently its contents have never been used for historical purposes. There can be no doubt, however, that they would supply extremely valuable information in many departments of history; and as the reason for withholding the inspection of them has passed away with the days of prerogative and attainders for treason, it seems very desirable that increased facilities of access to them should be given.

The design, for which the materials used in completing and illustrating the following trials were originally collected, comprehended a critical history of the supposed implication of the Earl of Northumberland, and the Lords Mordant, Montague, and Stourton, in the Gunpowder Plot, which forms perhaps the most interesting part of the subject, and one hitherto very imperfectly explored. The prosecution of these individuals was by information, *ore tenus*, in the Star-Chamber, and consequently no record of the proceedings exists. For this reason, and from the total absence of any account of what took place in the Star-Chamber, excepting a slight notice in Moor's Reports, p. 778, far too imperfect to form the foundation of any report of their trials as judicial proceedings, it has been considered inexpedient to include the cases of these noblemen in the present volume. There are, however, abundant materials in existence for a development of the facts respecting all of them, and in particular respecting the Earl of Northumberland, who may justly be called one of the most extraordinary men of the age in which he lived.

The reader will perceive from the references in this little volume, that without the assistance of several persons in official situations, it would have been impossible to procure the original documents which were absolutely necessary for the completion of the trials, and the proper illustration of the subject of them. On all occasions in which public officers have gratuitously added to their ordinary official labours, by promoting the accomplishment of even humble literary undertakings, they are entitled to the gratitude of the public, whose entertainment or instruction may be promoted by their liberality. A great weight of obligation is also imposed upon authors in such cases; and being impressed with a deep sense of this obligation in the present case, I cannot publish this inconsiderable work without expressing my cordial thanks to Dr. Bandinell, the Keeper of the Bodleian Library, to Mr. Dealtry, of the Crown Office, and to Mr. Lemon, of the State-Paper Office. To the kind and constant assistance of the latter gentleman I am indebted for far the most valuable part both of this and the preceding volume of the series.

DAVID JARDINE

Middle Temple,
June 16th, 1836

CRIMINAL TRIALS.

NARRATIVE OF THE GUNPOWDER PLOT.

THE conspiracy termed the Gunpowder Plot must for various reasons be considered as one of the most remarkable occurrences in English history. The atrocity of the design, the extent of the mischief intended, and the mysterious manner in which the scheme is represented to have been detected upon the eve of its execution, would alone be sufficient to give a surpassing interest to the story; while the observance of the anniversary, and the continuance in the Liturgy of the form of thanksgiving "for the happy deliverance of King James I. and the estates of England from the most traitorous and bloody-intended massacre by gunpowder," periodically awaken the remembrance of Guy Fawkes and his associates, and perpetuate the memory of the transaction by rendering its leading features familiar even to our children.

But the subject of the Gunpowder Plot well deserves the serious consideration of those who read history with higher objects than mere entertainment. The political consequences of this transaction are extremely important and interesting. It fixed the timid and wavering mind of the King in his adherence to the Protestant party, in opposition to the Roman Catholics; and the universal horror, which was naturally excited not only in England but throughout Europe by so barbarous an attempt, was artfully converted into an engine for the suppression

of the Roman Catholic Church; so that the ministers of James I., having procured the reluctant acquiescence of the King, and the cordial assent of public opinion, were enabled to continue in full force the severe laws previously passed against Papists, and to enact others of no less rigour and injustice. Even after the lapse of more than two centuries, the excitement of the public mind on this subject, stimulated as it has been from time to time by the occurrence of other plots real and pretended, has not wholly subsided; and in our own times, during the frequent discussions respecting the propriety of relieving Roman Catholics from civil disabilities, the Gunpowder Plot was repeatedly referred to as a practical proof that the doctrines of the Roman Catholic religion were inconsistent with the safety of a Protestant Government. The soundness of this argument, when applied to the altered state of things in the nineteenth century, has been often controverted; but it loses every shadow of validity if the conspiracy was not justly chargeable upon the general body of the English Catholics, and was not in fact encouraged or approved by them, either before or after its discovery. These are questions of fact, and, being of great nicety and importance in the history of England, are eminently deserving of critical investigation. The first step is to ascertain accurately the circumstances of the transaction, which have been much perverted by the rancorous party spirit commonly displayed both by Catholic and Protestant writers in the discussion of disputed facts. It is to be hoped in these days of toleration, when a liberal and enlightened policy has caused the repeal of all persecuting laws against Catholics, and the question of emancipation is no longer the watchword of political party, that this obstacle to the discovery of truth will be removed, and that writers of

either religion will direct their historical reasoning and researches to better objects than mere sectarian accusation and recrimination.

In consequence of the political jealousy between Catholics and Protestants which has prevailed in this country ever since the Reformation, almost every point of English history which was supposed to have the remotest bearing upon the respective merits of the two systems of religion has been obscured and misrepresented. This has been particularly the case with the Gunpowder Treason. The outlines of the transaction were indeed too notorious to be suppressed or disguised: that a design had been formed to blow up the Parliament House, with the King, the Royal Family, the Lords and Commons, and that this design was formed by Catholic men and for Catholic purposes, could never admit of controversy or concealment: but the details of the conspiracy,—the causes which led to it,—the motives and objects of the conspirators,—the extent to which the knowledge of it prevailed amongst Catholics in England and abroad, and the degree of encouragement it received from the Catholic clergy, have been, ever since the date of its occurrence to the present time, subjects of doubt and dispute.

It was not to be expected that at the period in which this transaction took place, a full or fair narrative of the Gunpowder Plot should be published by the Government. The practice of those days was to hold the people in leading-strings on political subjects, and so much light only was given them respecting occurrences of state as the Privy Council thought convenient and useful for the attainment of their objects. Where the whole truth would not produce the intended effect, a part only was published; and where the part would not exactly suit the purpose, no scruple was made of garbling and altering it.

Before the trials of the conspirators, an anonymous narrative, entitled 'A Discourse of the manner of the Discovery of the Gunpowder Plot,' was printed by the King's printer, and published by authority of the Government. This publication, which was industriously ascribed to the pen of the King, was not only dispersed profusely in England, but was sent, together with the King's speech on opening the Parliament, to the ambassadors at foreign courts, translated into several languages, and circulated with the utmost diligence in every part of Europe. And no doubt the story which it cost so much pains to distribute, was the result of corresponding care in the manufacture. The same skilful artificer, who had been employed to shape the stories of the treasons of Lopez and the Earl of Essex in Queen Elizabeth's time to suit the objects of the state, was still in the service of the Government; the same statesman, who directed Bacon to prune the depositions and pervert the facts on the latter of those occasions, was still an active minister of the Crown; and a careful comparison of Bacon's acknowledged narratives of both the cases above mentioned with the 'Discourse of the Gunpowder Plot' produces a strong impression that all of them were composed by the same mind and written by the same hand. Nor is the resemblance confined to the similarity of the style and language; the whole scheme of the 'Discourse' is the same as that of the 'Declaration of the Earl of Essex's Treasons,' viz., to surround fictions by undoubted truths with such apparent simplicity and carelessness, but in fact with such consummate art and depth of design, that the reader is beguiled into an unsuspecting belief of the whole narration. The fidelity of the story is in both cases vouched by the introduction of depositions and documents which might be garbled at the discretion of the writer,

without fear of detection, as the originals were in his power, but which give an air of candour and authenticity, and thus complete the deception. At all events, whether this conjecture be well or ill founded, and whether the 'Discourse of the manner of the Discovery of the Gunpowder Plot' was written by Bacon or by some other courtier, or by the King himself, there is no doubt that it is a narrative of no historical authority; it is merely the Court version of the transaction, given to the world for the express purpose of leading the public mind in a particular direction. Of several hundreds of examinations which had been taken, two only were published in this narrative, namely, a Declaration of Guy Fawkes, and a Confession of Thomas Winter. That both of these were carefully settled and prepared for the purpose of publication is not only highly probable from a comparison of them with the other statements of the same individuals, which are still extant; but is demonstrated as a fact by the interlineations and alterations observable upon the originals.

A few instances of this species of dishonesty deserve to be particularly noted, in order to prove how little reliance is to be placed upon the statements contained in the 'Discourse.' The Declaration of Fawkes is artfully published without a date; but it appears from the original at the State-Paper Office that it was made on the 17th of November, 1605*. Between that time and the printing of the 'Discourse,' it was discovered that an English officer named Owen, in the service of the Archduke Albert in Flanders, had encouraged the Plot, and an urgent requisition was immediately made by Lord Salisbury to the Archduke, through the ambassador at Brussels, that Owen should be given up to take his Trial with the rest. The Archduke hesitated, and while the

* See *post*, p. 140.

negotiation was proceeding, the 'King's Book,' as the 'Discourse' was called, was published. In Fawkes's Declaration, as signed and acknowledged by himself, Owen is not mentioned; but in the *soi-disant* "true copy" of it in the 'Discourse,' Fawkes is made to say that he went over to the Netherlands expressly "to acquaint Owen with the particulars of the Plot," these words being inserted probably after the document was in print. In this instance, the motive for the interpolation is almost as clear as the fact. Again, in the same Declaration as published in the 'Discourse,' the name of Robert Winter is given as one of the conspirators who worked in the mine; and at the end of the paper, Keyes is mentioned with Rookwood, Digby, and others, as having been introduced at a later period, after the mine had been abandoned. The fact as disclosed by Fawkes, and confirmed by all the evidence, was, as the Government well knew, that Keyes was one of the miners, and that Robert Winter was not taken into the plot until afterwards;—and so the statement originally stood in the copy of this Declaration at the State-Paper Office. But in the original paper the names are reversed by an interlineation written in a different hand and in a different ink from the body of the Declaration. It is clear that this alteration was designedly made, though the particular object to be gained by it cannot be easily ascertained. Possibly, as Robert Winter was a man of wealth and consequence, and Keyes was wholly insignificant, it may have been thought desirable to assign the former a prominent place among the original conspirators. Another instance occurs in the Confession of Thomas Winter; the original is lost; but in a contemporaneous copy of it in the State-Paper Office, there is a marginal remark in the handwriting of the King, designating in a particular passage what he calls "an

unclear phrase;" this obscurity is accordingly removed by an interlineation, and the document is published in the 'Discourse' in its altered and approved shape.

Many other instances of interpolation, and still more of the suppression of facts in this Narrative, might be pointed out; the above are perhaps sufficient to show that it ought not to be depended upon as a source of history.

In order to form a fair judgment of the causes which produced the Gunpowder Treason, and to comprehend the motives of those who were engaged in it, it is necessary to consider generally the state of the English Catholics at that precise period, and to take a summary view of the penal restrictions and liabilities to which, at the commencement of the reign of James I., the adherents to the Roman Church were subject.

The laws passed against recusants in the latter years of the reign of Elizabeth were extremely severe; and whatever may have been the object with which they were passed, and without discussing the debateable question of their necessity for the preservation of the Protestant establishment from the practices of disaffected and turbulent fanatics, at that time excited and encouraged by the mischievous interference of the Pope, it may be observed, that their *effect* undoubtedly was to withdraw from the Catholics the common rights and liberties of Englishmen, and to place all persons, however loyal to the existing Government, who adhered from conscience and principle to the ancient religion, in a state of unmerited persecution and suffering. By these laws, Catholics were not only forbidden to use the rites and ceremonies of their own faith, but were required to attend upon the services of a church which, if conscientious and consistent, they were bound to

abhor as heretical and damnable. If they refused or forbore to come to a Protestant church on the sabbath, they were liable to a penalty of £20 for every lunar month during which they absented themselves*. The public exercise of the social rites of their own church was virtually interdicted, for it was enacted †, “that every priest saying mass was punishable by a forfeiture of two hundred marks, and every person hearing it, by a forfeiture of one hundred marks, and both were to be imprisoned a year, and the priest until his fine was paid.” The ministers of their religion, without whose presence they were precluded from the exercise of the sacraments and other rites, were in effect proscribed and banished; for by a statute passed in 1585 (27 Eliz. c. 2), it was enacted, “that all Jesuits, seminary and other priests ordained since the beginning of the Queen’s reign, should depart out of the realm within forty days after the end of that session of Parliament; and that all such priests or other religious persons ordained since the same time should not come into England, or remain there, under the pain of suffering death as in case of treason.” It was also enacted by the same statute, “that all persons receiving or assisting such priests should be guilty of a capital felony.” When a person professing the Popish religion was convicted in a court of law of absenting himself from the established church, he was termed a “Popish recusant convict;” such a person was liable by the 35 Eliz. c. 1, to be committed to prison without bail until he conformed and made submission; and if he did not within three months after conviction submit and repair to the established church, he must abjure the realm ‡; and if he refused to swear, or

* 23 Eliz. c. i. s. 5.

† 23 Eliz. c. i. s. 4.

‡ Abjuration of the realm for felony at the common law was he taking of an oath, with many religious solemnities, to depart

did not depart upon his abjuration, or if he returned without licence, he was guilty of felony, and might suffer death as a felon, without benefit of clergy. No doubt these rigorous laws were not at all times enforced to their utmost extent; but they placed the whole body of the Catholics at the mercy of the Protestant Government, who were enabled to crush or spare them at their discretion or caprice; for them therefore there was no liberty, personal or religious, but such as the Privy Council thought proper to allow: and with reference to their religion, the law gave them no rights and afforded them no protection. When we remember that the victims of the laws above enumerated considered themselves to be the majority of the gross population of the country; that the chief sufferers were the principal nobility and gentry of the land, whose ancestors had served the kings of England before the Reformation in the highest offices of state, and whose honours and possessions were the proofs of royal favour and distinction conferred on their predecessors; when we consider, moreover, that these persons were thus impoverished and disgraced for their adherence to that ancient religion to whose rites and ceremonies they were attached by early and hereditary associations, and whose power and influence they were bound by the strongest obligations to maintain and defend against what was to them an abominable heresy, we shall be at no loss to comprehend the

from England for ever, and not to return without the King's licence. The party after taking the oath was bound to repair immediately, with the cross in his hand, to some sea-port, and at once to embark. If he delayed, or returned without licence, he was hanged *sine strepitu judicii*, unless he claimed the benefit of clergy. The punishment of abjuration imposed by the statute of Elizabeth upon Catholics was far more severe than abjuration for felony at common law; in the latter case the felon had the benefit of clergy. in the former it was expressly taken away.

bitter feelings of discontent which prevailed among the English Catholics under Elizabeth, and which produced a constant succession of plots and rebellions more or less important and alarming during the last twenty years of her reign.

Although it must be admitted that the laws in existence against the Catholics at this period were not constantly enforced against them, it must not, on the other hand, be supposed that they were merely suspended. *in terrorem*, over the heads of those against whom they were directed, for the purpose of restraining the seditious attempts of the disaffected. There is no doubt that they were often practically applied to a very severe extent; and there were few Catholic families who had not in some degree experienced their rigour. Of this many instances might be adduced; we shall select a few cases of undoubted authority, taken from the family history of some of the principal actors in the Gunpowder Plot, which exhibit in a strong point of view the temper of the times, and the actual condition of the Catholic gentry.

Sir Thomas Tresham, the father of Francis Tresham, one of the most conspicuous characters in the Gunpowder Treason, belonged to a family who from very early times had possessed a princely estate in Northamptonshire. On the restoration of the Knights Hospitallers of St. John of Jerusalem by Queen Mary, his grandfather had been made Lord-Prior of that order. Sir Thomas Tresham himself was originally a Protestant, and was knighted by Elizabeth at Kenilworth in 1577; three years afterwards, when the first missionary priests came into England, he was converted by Campion and Parsons to the Catholic faith, and reconciled to the Church of Rome*. From the time of his conversion until his death, in 1605, he was constantly the subject of persecution.

* More's *Historia Societatis Jesu*, p. 74.

Shortly after Campion's apprehension in 1580, he was arrested and sent to the Fleet on suspicion of having harboured the missionaries; on his refusal to swear before the Council that Campion had not been at his house, he was prosecuted in the Star-Chamber, together with Lord Vaux, Sir William Catesby, and several other Catholics, and sentenced by the Court to pay a very heavy fine, and to be imprisoned in the Fleet until he swore as required by the Council. Under this sentence Sir Thomas Tresham languished in close imprisonment for several years. He was afterwards repeatedly imprisoned, on the ground of his religion, in the Fleet and at Banbury Castle for long periods of time, and also at Ely, which he terms, in some of his letters, his "familiar prison*." It appears also from the receipts at the Exchequer, that for more than twenty years he constantly paid 260*l.* per annum into the Treasury, being the statutory penalty of 20*l.* per lunar month for recusancy †. In a letter of his, dated the 7th of October, 1604, he says that "he had undergone full twenty-four years' term of restless adversity and deep disgrace, only for testimony of his conscience." The resolute devotion of the old man to his religion appears from a letter to Lord Henry Howard, in July 1603, in which he says, that "he has now completed his triple apprenticeship of one and twenty years in direst adversity, and that he should be content to serve a like long apprenticeship to prevent the foregoing of his beloved, beautiful, and graceful Rachel; for it seemed to him but a few days for the love he had to her ‡."

The second instance we select is that of Mr. Thomas Throckmorton, of Coughton, nephew of Sir Nicholas Throckmorton, and the head of the elder

* Rushton Papers. See note in p. 54.

† Laansdowne MSS. No. 153, p. 125. ‡ Rushton Papers.

branch of the ancient family of that name, whose life was one continued series of persecution on account of his religion. His estate was always under sequestration for the fines and penalties imposed upon him for recusancy. He also was arrested in 1581, upon the seizure of Campion the Jesuit*. At the period of the threatened invasion from Spain in 1587, he was imprisoned at Fulham and Ely for a long space of time, and in 1597 we find him a prisoner in Banbury Castle. He was connected by blood with several of the Gunpowder conspirators, Catesby and Tresham being his nephews, and the Winters of Huddington being nearly allied to him †.

A third instance is the case of Edward Rookwood, of Euston Hall, in Suffolk, a cousin of

* More's *Historia Societatis Jesu*, p. 82.

† An instance of royal injustice exhibited towards this gentleman deserves to be pointed out as demonstrating the spirit of the times, though it was not immediately connected with his religious opinions. Philip and Mary had granted to Sir Robert Throckmorton a lease of the manor of Ravenstone, in Buckinghamshire, reserving a certain rent to the Crown, with a proviso, that if the rent were in arrear for a month the lease should be void. On the death of his father, this property came into the hands of Thomas Throckmorton, who held it till the year 1590. In that year an ejectment was brought against him upon the Queen's title. It was proved, on behalf of the Crown, that the rent due at Lady-day, 1568 (twenty-three years before), had not been paid within a month afterwards; and though Mr. Throckmorton proved, and it was fully admitted for the Crown, that he had sent the money from the country in due time, by a steward who embezzled it on his way to London,—that his master did not discover the fraud till several months afterwards,—that at the ensuing Michaelmas the whole arrears were paid. and that the rent had been regularly paid and received ever since at the Exchequer, the lease was held to be forfeited, and he was turned out of possession. The case was argued several times in the Court of Exchequer, in the Exchequer Chamber, and at Sergeant's Inn before all the Judges of England, but the judgment for the Crown was ultimately affirmed. See Dr. Cole's MSS. in the British Museum, No. 40, and Moor's Reports, p. 291.

Ambrose Rookwood, the conspirator. The following extract from a letter* relating to this gentleman, written by Richard Topcliffe, the renowned instrument of the Government for hunting out recusants, to the Earl of Shrewsbury, dated 30th August, 1578, sufficiently displays the bitterness of the persecuting spirit prevalent at that time, and the extent to which it was practically carried. Immediately before the period to which this letter relates, Elizabeth, on one of her progresses, had been splendidly entertained by Rookwood at Euston Hall. The letter will show how this hospitality was requited. "The next good news (but in account the highest) her Majesty hath served God with great zeal and comfortable examples; for by her counsel two notorious Papists, young Rookwood (the master of Euston Hall, where her Majesty did lie upon Sunday now a fortnight), and one Downes, a gentleman, were both committed, the one to the town prison at Norwich, the other to the country prison there, for obstinate Papistry; and seven more gentlemen of worship were committed to several houses in Norwich as prisoners; two of the Lovells, another Downes, one Benningfield, one Parry, and two others not worth the memory, for badness of belief. This Rookwood is a Papist of kind, newly crept out of his late wardship. Her Majesty, by some means I know not, was lodging at his house, Euston, far unmeet for her Highness, but fitter for the Black Guard†. Nevertheless (the gentlemen brought into her presence by like

* Lodge's Illustrations, vol. ii. p. 188.

† This was a name jocularly given to the lowest menials, such as the carriers of coals and wood, turnspits and scullions, who always followed the court in its progresses. In this sense, Burton, in the Anatomy of Melancholy, speaks of them in describing the orders of devils: "Though some of them are inferior to others of their own ranke, as the *blacke guard* in a prince's court." Anatomy of Melancholy, p. 42. See Nares's Glossary, *ad verbum*.

device), her excellent Majesty gave to Rookwood ordinary thanks for his bad house and her fair hand to kiss. After which it was braved at; but my Lord Chamberlain, nobly and gravely understanding that Rookwood was excommunicated for Papistry, called him before him; demanded of him how he durst presume to attempt her *real presence*, he unfit to accompany any Christian person; forthwith said he was far fitter for a pair of stocks, commanded him out of Court, and yet to attend her Council's pleasure; and at Norwich he was committed. And to decypher the gentleman to the full, a piece of plate being missed in the Court, and searched for in his hay-house, in the hay-rick, such an image of our Lady was there found, as for greatness, for gayness, and workmanship, I did never see a match. And after a sort of country-dances ended, in her Majesty's sight, the idol was set behind the people, who avoided; she rather seemed a beast raised upon a sudden from hell by conjuring, than the picture for whom it had been so often and long abused. Her Majesty commanded it to the fire, which in her sight by the country folks was quickly done to her content, and unspeakable joy of every one but some one or two who had sucked of the idol's poisonous milk." This unfortunate man appears to have been afterwards reduced to great distress. In 1588 he was imprisoned at Ely, with other Catholic gentlemen, and died in gaol not many years after his release from Ely, his estate being afterwards sold to relieve his family. In the parish register of St. James, at Bury St. Edmunds, is this entry of burial: "Mr. Rookwood, from the jail, buried June 4th, 1598*."

These instances, taken from a great number of cases of a similar kind, exhibit the situation of the Catholic laity. The condition of the clergy, who were the prin-

* Gage's Antiquities of Hengrave, p. 248.

cipal objects of the penal enactments, was far worse. The Jesuit missionaries in particular lived in a state of perpetual concealment and terror. In many of the principal Catholic houses, subterranean vaults, chambers built in the substance of the walls, and in the chimneys, with curious contrivances for the admission of air and food, were provided, into which the priests retired in case of a hostile search for them *; they went abroad disguised, and, avoiding towns and places of miscellaneous resort, wandered by unfrequented roads from one Catholic house to another, using a different name at each that they might not be traced. Sometimes they hid themselves for months together in woods and caverns; and Mr. Butler mentions "a tangled dell in the neighbourhood of Stonor Park, near Henley-on-Thames, which tradition points out as the place in which Campion, the Jesuit, wrote his 'Decem Rationes,' and to which books and food were carried by stealth †." The constant liability to inquisitorial searches for priests was a heavy domestic grievance to the Catholic. The mansion in which a priest was suspected to be harboured was often surrounded in the dead of the night by a party of armed men, demanding admittance with shouts and clamour. Every corner of the house was diligently searched: even the bed-rooms of the females were not spared; the empty beds were carefully examined, and felt with the hand to ascertain whether their warmth did not betray their recent occupation; the

* Nicholas Owen, also called Little John, from his diminutive stature, who was an attendant on Father Garnet, and committed suicide in the Tower after the apprehension of his master, is stated by Catholic writers to have had a singular dexterity in inventing hiding-places for priests. He is said to have constructed the concealed cells in Hendlip House, in Worcestershire, in one of which Garnet and Oldcorne were discovered. See Tanner's History of the Society of Jesus, p. 72.

† Butler's Memoirs of the English Catholics, vol. iii. p. 193.

walls and partitions were struck with mallets to find out hollow places ; and drawn rapiers were thrust into the chinks of the wainscots. The terror occasioned by these nocturnal visitations is not to be described. Father Greenway mentions that a Mrs. Vavasour, a lady in Yorkshire, was so terrified by a sudden alarm of this kind at midnight, that she became hopelessly deranged in her intellect*. For the performance of mass and other social rites of the Roman Catholic religion, various contrivances were adopted. The more wealthy Catholics fitted up a part of their houses as chapels†: the plan generally adopted by the Jesuits in the neighbourhood of London, was to take two or three large houses, to which alternately the priests and communicants resorted at stated periods understood among themselves, for the purpose of renewing their vows to their superiors, and also for religious worship. Thus, at the time of the Gunpowder Plot, it appeared that they had taken the manor-house at Erith on the Thames, and a large house called White Webbs, on the borders of Enfield Chase, to be used by them for religious purposes. During the performance of divine service, one of the family, or a confidential servant, was

* Greenway's MS.

† The biographer of Lady Montacute describes with rapture a chapel built by her in her house at Battle Abbey in Sussex, in which she had placed "a fair marble altar with steps of ascent to it, and chancels all round it: that nothing might be wanting, she also raised a choir for singing-men, and made a pulpit (*suggestum*) for the priests (a thing which is perhaps not to be found in all the rest of England). Here public service was performed almost every week, and the communion in all its solemn rites was celebrated with singing and musical instruments, and sometimes even with the assistance of a Dean and Sub-Dean. And such was the concourse of Catholics on these occasions, that oftentimes 120 persons were present, and 60 persons together received the holy sacrament." Smith's Life of Lady Montacute, chap. xi.

always employed to watch the approaches to the house, in order that the priests might have timely notice of any intended surprise, and save themselves by flight, or by retiring into some of the hiding-places provided for them.

Such was the state of insecurity and alarm in which the English Catholics were placed during great part of the reign of Queen Elizabeth. As her life declined, it was natural that a party so oppressed should direct their attention with much anxiety to her probable successor. Having abandoned all expectation of an avowed Catholic heir to the crown, they were led by many circumstances to look forward with hope to the succession of James. They remembered that he was born of Catholic parents, and that he had been baptized by a Catholic archbishop; they relied upon the feelings of dislike with which they supposed that he must regard the party who had caused the execution of his mother; they knew that several of the ordinances of the Roman Church were approved by him, and they had heard and believed that he had, on more than one occasion, expressed a willingness to be reconciled to the apostolic see*. But besides these general presumptions of a disposition favourable to their party, the leading Catholics were attached to the cause of James, by the express assurances of a toleration for their religion, which were generally reported to them from various quarters, and in particular by

* In a conversation with Monsieur de Beaumont, the French Ambassador, soon after his arrival in London, James told him, "Qu'il n'étoit point heretique, c'est à dire refusant à reconnoistre la verité; qu'il n'étoit non plus puritain, ni moins separé d'Eglise; qu'il y estimait la hierarchie necessaire; par conséquent qu'il avoueroit toujours le Pape pour le premier Evêque, en icelle President et Modérateur au Concile, mais non chef ni superieur." De Beaumont to Henri IV., 23 July, 1603. See *Dépêches de Mons. de Beaumont*, in the MSS. of the King's Library in the British Museum.

individuals despatched to Edinburgh for the purpose of ascertaining his intentions upon that subject. Thomas Percy, one of the conspirators in the Gunpowder Plot, had been sent on a mission of this kind; and the Earl of Northumberland states, as the result of that mission, that "when Percy came out of Scotland from the King (his Lordship having written to the King, where his advice was to give good hopes to the Catholics, that he might the more easily without impediment come to the crown), he said that the King's pleasure was, that his Lordship should give the Catholics hopes that they should be well dealt withal, or to that effect*." James afterwards strenuously denied that he had ever authorized Percy to convey such a message to the Earl of Northumberland, or had ever given encouragement to the Catholics to expect from him a relaxation of the penal laws passed against them; but the simple denial of James will not obtain much credit with those who are familiar with his personal history. On the other hand, it was natural and probable that he should be desirous to secure the favour of so important a body as the Catholics then were, by such promises and concessions; and that he actually made them is proved, not only by the above assertion of the Earl of Northumberland, but by a letter of Mons. de Beaumont, the French Ambassador, to Henry IV., dated the 28th March, 1603, when Queen Elizabeth was dying, in which he declares that he had been confidentially informed by the Earl of Northumberland that James had written to him with his own hand, that the Catholic religion should be tolerated †.

The fact of James's encouragement of the hopes of the Catholic party is further confirmed by the conduct

* Examination of the Earl of Northumberland, 23d November, 1605.—State-Paper Office.

† Dépêches de Beaumont.

of the King himself, and the circumstances which took place shortly after his accession. The King arrived at London about the beginning of April, 1603; in July immediately following, many recusants of quality and distinction, and amongst them Sir Thomas Tresham, were sent for from various parts of the country to Hampton Court by order of the King, and were assured by the Lords of the Privy Council, with expressions of courtesy and respect, that "it was his Majesty's intention to exonerate the English Catholics from the pecuniary fine of 20*l.* a month for recusancy imposed by the statute of Elizabeth;" and that "they should enjoy this grace and favour so long as they kept themselves upright and civil in all true carriage towards the King and state without contempt." To this the Catholic gentlemen answered, "that recusancy alone might be held for an act of contempt." But the Lords replied, "that his Majesty would not account recusancy for a contempt;" and desired that the King's gracious intentions in this respect might be signified generally to the whole body of Catholics*. In confirmation of this official assurance, the fines for recusancy were actually remitted for the first two years of James's reign. It appears from some notes † of Sir Julius Cæsar, who was Chancellor of the Exchequer in 1607, that in the last year of Queen Elizabeth's reign, the sum paid into the receipt of the Exchequer at Westminster, by and for recusants' fines and forfeitures, was 10,333*l.* 9*s.* 7*d.* In the next year little more than 300*l.* was paid at the Exchequer on this account. In the following year, being the second of James's reign, the sum barely exceeded 200*l.*; but in 1605, the year of the Gunpowder Plot, the amount of recusants' fines

* Petition Apologetical of the Lay Catholics of England.—Letter from Sir E. Digby to Lord Salisbury, in the State-Paper Office.

† Lansdowne MSS. No. 153, p. 206.

rises suddenly to more than 6,000*l*. It cannot be denied that these facts tend strongly to confirm the assertions of the Catholics respecting the promises of the King; for they demonstrate that for some time one of the heaviest oppressions under which they laboured was actually removed by him. At all events, the Catholics of England were fully justified, under these circumstances, in entertaining a confident expectation that upon James's accession some considerable mitigation of the penal laws from which they had so long suffered, would be effected; and that they should in future be allowed the exercise of their religion, if not with perfect freedom, at least under such reasonable and moderate restrictions as would render their condition much more tolerable than it had been during the preceding reign. This persuasion, and the advice of De Beaumont, the French Ambassador, induced the Catholic nobility and gentry to become warm partisans of James's title; and though upon the death of Elizabeth, the Protestants in various parts of the country hesitated, the Catholics, at that critical moment, in general adopted the most active measures to secure his succession to the throne*. Thus Sir Thomas Tresham, with considerable personal danger, and against much resistance on the part of the local magistrates and the populace, immediately proclaimed him at Northampton; while his two sons, Francis and Lewis, with his son-in-law, the Lord Mounteagle, supported the Earl of Southampton in holding the Tower of London for his use†.

But the fond hopes and expectations of the Catholics were dissipated and destroyed before six months of James's government had passed away.

* *Dépêches de Beaumont*, 8 April, 1603.

† Petition Apologetical of the Lay Catholics of England, Rushton Papers

Symptoms of an anti-catholic disposition appeared as soon as he felt himself firmly seated on the throne. De Beaumont says*, that "within a month after his arrival in London, he answered an objection made in conversation to the appointment of Lord Henry Howard to a seat in the Privy Council, on account of his being a Catholic, by saying that 'by this one tame duck he hoped to take many wild ones,' at which the Catholics were much alarmed." De Beaumont further reports, that "he maintained openly at table that 'the Pope was the true Antichrist, with other like blasphemies, worthy of his doctrine.'" In the summer of 1603, the obscure and inexplicable plot of Markham and the priests was discovered; and on the trial of Sir Walter Raleigh, which took place in the November following, Sir Edward Coke declared, in his peculiar phraseology, that "the eyes of the Catholics should sooner fall out than they should ever see a toleration for the Romish superstition; for that the King had declared in the hearing of many, "I will lose the crown and my life, before ever I will alter religion †." In the ensuing February James called together his council, and assured them that "he never had any intention of granting toleration to the Catholics; that if he thought his son would condescend to any such course, he would wish the kingdom translated to his daughter; that the mitigation of the payments of the recusant Catholics was in consideration, that not any one of them had lifted up his hand against him at his coming in, and so he gave them a year of probation to conform themselves; which, seeing it had not wrought that effect, he had fortified all the laws that were against them, and made them stronger (saving from blood, from which he had a natural aversion), and com-

* *Dépêches de Beaumont*, 24 Mai, 1603.

† See *ante*, vol. i. p. 403.

manded that they should be put into execution to the uttermost." His intentions in this respect were publicly declared by the Lords in the Star-Chamber, and signified by the Recorder to the City of London*. A proclamation was issued about the same time, dated the 22d February, 1603-4, in which the King, after protesting that he had "never intended, nor given any man cause to expect, that he would make any innovation in matters of religion," commanded all Jesuits, Seminarists, and other priests, to depart the realm before the 19th of March following, and not to return, under the penalty of being left to the rigour of the laws †. In his speech on opening the Parliament on the 22d March, 1603-4, though he talks of revising the laws against Catholics and of "clearing them by reason in case they had been in times past more rigorously executed by judges than the meaning of the law was," he inveighs against the Catholic clergy, and declares that "as long as they continue to maintain their most obnoxious doctrines, they are in no way sufferable to live in this kingdom ‡." These repeated threats and declarations by the King were practically enforced by proceedings in Parliament, and generally throughout the country, which distinctly indicated to the dismayed Catholics a return to the persecutions and indignities of the reign of Elizabeth. Bills disabling recusants to sit in Parliament, and prohibiting the importation or printing of Popish books, were rejected in the House of Commons by small majorities; but an Act § was passed after much discussion in both houses, declaring that all the laws of Elizabeth against Jesuits and Priests were to be

* Winwood, vol. ii. p. 49.

† Rymer's *Fœdera*, vol. xvi. p. 572.

‡ Commons' Journals, vol. i.

§ 1 Jac. 1. c. 4.

put in due and exact execution. Two-thirds of the estates of recusants, and all their moveable goods, were directed to be seized in satisfaction of the fine of 20*l.* a month, imposed by the 29th of Elizabeth; and commissions immediately issued for the valuation of such lands and goods. In the following year the recusancy fines, neglected or remitted for several preceding years, amounting in some cases to very large sums of money, were suddenly demanded; and recusants of large property, who had managed to evade the payment of them during the reign of Elizabeth, were at once reduced to beggary by being called upon for tremendous arrears: those who could have paid the fines from month to month as they accrued, were utterly ruined by the accumulation of penalties now rigorously exacted at a single payment*. There was a circumstance, too, in connexion with the exaction of the recusancy fines, which much inflamed the indignation of the Catholics. James had brought with him from Scotland a number of needy followers, who, having spent their small substance in riotous extravagance on the King's arrival in England, had now to repair their broken fortunes. To these court paupers pensions were assigned, charged upon the lands and goods forfeited for recusancy; and it sometimes happened that several wealthy Catholics, who were known to be liable to recusancy fines, were assigned by name to these foreigners, who levied the penalties with the utmost greediness and rigour†.

In the course of this session of Parliament a bill was introduced, declaring that all persons who had

* Greenway's MS.

† Beaumont, in a despatch to Monsieur de Villeroi, dated 1st June, 1605, says, "Enfin il a été resolu au conseil de ce Prince que les Catholiques recusants payeront le tribut ordinaire, tant du passé qui ne leur a point esté exigé, que du présent; et sur cela leurs biens sont departis et assignés en don à des particuliers courtisans, avec lesquels ils sont contraints de composer; dont ils sont au desespoir."

been educated in Catholic seminaries abroad should be incapable of taking or holding any lands or goods within the King's dominions. By another part of this enactment, persons professing the Catholic religion were in effect disabled from educating their children in their own faith; for if they maintained a school-master in their own houses, who did not go to church, or who was not licensed by the bishop of the diocese, they were liable to forfeit 40*s.* for every day they retained him, the school-master himself being subject to a similar fine; and if they sent their children to be educated abroad, they were liable to a penalty of 100*l.* It was quite natural that the Catholics should behold these proceedings with feelings of disappointment and indignation, proportioned to their previous expectation of favour. On the third reading of the above-mentioned statute in the House of Lords, which passed by a large majority, Lord Montague, a Catholic peer, rose in his place, and expressed his opinions and feelings against the measure with so much warmth, that the House committed him to the Fleet*.

Sir Everard Digby, in a letter † to Lord Salisbury, without date, but certainly written during his imprisonment, boldly states the causes and the dangers of the prevalent dissatisfaction among the Catholics: "If," says he, "your Lordship and the State think it fit to deal severely with the Catholics, within brief there will be massacres, rebellions, and desperate attempts against the King and State. For it is a general received reason amongst Catholics, that there is not that expecting and suffering course now to be run that was in the Queen's time, who was the last of her line, and last in expectance to run violent courses against Catholics; for then it was hoped that the King that now is, would have been at least free

* Lords' Journals, 25 and 26 June, 1604.

† State-Paper Office.

from persecuting, as his promise was before his coming into this realm, and as divers his promises have been since his coming. All these promises every man sees broken."

Still, though all were alike disappointed and discontented, it is clear that the general body of the English Catholics did not at this time contemplate forcible measures for the removal of their grievances. Many, however, and in particular those who were attached to the Jesuits' party, now wholly despaired of obtaining from the justice of the King, or by peaceable means, any alleviation of their degradation and misery; and despising and rejecting the counsel of the more moderate, readily lent an ear to any scheme of vengeance, however desperate and sanguinary.

It appears to have been about the time of the open declaration of James's intentions respecting the Catholics, namely, in the spring and summer of 1604, that the design of blowing up the House of Lords with gunpowder, at the opening of the Parliament, and thus destroying, at a single blow, the King, the Lords, and the Commons, first presented itself to the mind of Robert Catesby. It has been suggested, that the notion of an explosion may possibly have originally occurred to his mind in consequence of an accident by gunpowder, mentioned by Stow* as having taken place on the 27th of April, 1603, and by which thirteen men were killed. It is not, however, necessary to recur to this accident for the suggestion of the scheme. This was not by any means the first instance of a gunpowder plot. "There be recounted in histories," says Father Parsons in his 'Letter touching the New Oath of Allegiance,' "many attempts of the same kinds, and some also by Protestants in our days; as that of

* Stow's Chronicle, p. 818.

hem, who at Antwerp placed a whole bark of powder in the great street of that city, where the Prince of Parma, with his nobility, was to pass; and that of him in the Hague, that would have blown up the whole Council of Holland upon private revenge."

Robert Catesby, the original contriver and promoter of the Gunpowder Treason, was the lineal descendant of William Catesby, the favourite minister of Richard III., who, being taken prisoner at Bosworth Field, was afterwards attainted and executed for high treason*. His ancestors had for several centuries been proprietors of Ashby St. Legers in Northamptonshire, and also of an estate at Lapworth in Warwickshire †, and had frequently represented the latter county in Parliament. His father, Sir William Catesby, who died before the accession of James I., became a convert to the Roman Catholic religion when Campion and Parsons came into England as missionaries in 1580 ‡, and was afterwards several times imprisoned for recusancy. His mother, Lady Catesby, who was living with her son at Ashby St. Legers at the time of the Gunpowder Treason, was a daughter of Sir Robert Throckmorton, of Coughton, and a sister of Thomas Throckmorton, whose persecutions on account of religion have been above related. Robert Catesby is said, by Father Greenway, to have forsaken the Catholic religion on the death of his father, and in the early part of his life to have squandered away his estate in dissolute extravagance; in 1598 he returned to the faith in which he had been educated, and exchanging the licentiousness of his earlier years for religious fanaticism, devoted himself from that time with all the fervour of an enthusiastic

* Dugdale's Warwickshire, p. 586.

† Bridges's Northamptonshire, vol. i. p. 16.

‡ More's *Historia Societatis Jesu*, p. 74.

mind to the task of making proselytes to the Catholic faith, and of rescuing the adherents to the ancient religion from the yoke under which they laboured. With this object he entered warmly into the Earl of Essex's insurrection, was wounded and taken prisoner on that occasion, and afterwards, with difficulty and by means of the great exertions of his friends, obtained his pardon, at the expense of three thousand pounds. He was afterwards involved in all the treasonable projects of this party during the last two years of Elizabeth's reign; and it appears from a letter* of Camden's, dated only nine days before the Queen's death, that Catesby and several other gentlemen, "hunger-starved for innovation," amongst whom were Sir Edmund Baynham, Tresham, and the two Wrights, (all of them conspirators in the Gunpowder Treason,) were at that time committed to custody by the Lords of the Council for some seditious movements. About the time of his reconversion to the Catholic faith, Catesby had married a daughter of Sir Thomas Leigh, of Stoneleigh in Warwickshire, and was in 1604 a widower with an only son†.

It is uncertain, and not very material, whether in order of time Catesby first disclosed his scheme to John Wright or to Thomas Winter. The latter, in his confession, published in the 'Discourse of the Manner of discovering the Gunpowder Plot,' says, that when he first came to London, about Lent, 1603-4, at the urgent solicitation of Catesby, he found him and John Wright together at Lambeth, and that Catesby then declared his project to him; and though he does not expressly state that Wright was previously acquainted with it, that fact seems to be almost a necessary inference from his relation. At

* *Camdeni Epistolæ*, p. 347.

† It is remarkable that this son afterwards married the only child of Thomas Percy.

all events, it appears certain that Catesby, Wright, and Winter were the only persons who were privy to the design before the journey of the latter into Flanders. Fawkes expressly says,* that these "three first devised the Plot, and were the chief directors of all the particularities of it."

John Wright was descended from a respectable family in Yorkshire, the Wrights of Plowland in Holderness. At the time of the Powder Plot his permanent residence was at Twigmore in Lincolnshire. He, as well as Catesby, had been a Protestant, and since his conversion had been harassed with prosecutions and imprisonment. His friendship with Catesby and Thomas Winter was of long standing, and he was intimately connected with Thomas Percy, who had married his sister. As soon as he became a party to the Plot, he removed with his family from his estate in Lincolnshire to a house belonging to Catesby, at Lapworth in Warwickshire. John Wright was said to be one of the best swordsmen of his time †; both he and his brother Christopher, who was also a party to the confederacy, were actively engaged in the Earl of Essex's rebellion, and the latter had been employed on an embassy to the King of Spain from the English Catholics upon the death of Elizabeth.

Thomas Winter was a younger brother of Robert Winter of Huddington, the head of a family of great opulence, who had been in possession of large estates in Worcestershire since the time of Henry VI. They were zealous Catholics, and connected by marriage with the Throckmortons of Coughton, and thus related to Catesby and Tresham; and on their mother's side they were connected with Charles Neville, Earl of Westmoreland, one of the Catholic lords who headed

* Fawkes's Examination, Nov. 19. Tanner's MSS. in the Bodleian Library.

† Greenway's MS.

the unfortunate rising in the north in 1570. Thomas Winter had been deeply engaged in all the intrigues of the Catholics with the King of Spain at the close of Elizabeth's reign, and had been employed in 1601 as a negotiator at Madrid by that party. Previously to that time, he had served several years against the King of Spain in the army of the States, but had quitted his military service under a Protestant power on account of religious scruples. He was afterwards employed as secretary, or in some occupation of a similar nature, to Lord Monteagle. Winter was an accomplished and able man, familiarly conversant with several languages, the intimate friend and confidant of Catesby, and of great account with the Catholic party generally, in consequence of his talents for intrigue and his personal acquaintance with ministers of influence in foreign courts*.

At their meeting at Lambeth, Catesby informed Winter that "he had bethought him of a way at one instant to deliver them from all their bonds, and, without any foreign help, to replant again the Catholic religion;" and then plainly told him that "his plan was to blow up the Parliament House with gunpowder; for," said he, "in that place they have done us all the mischief, and, perchance, God hath designed that place for their punishment." Winter was startled, and hesitated, saying, "that true it was, this struck at the root, and would breed a confusion fit to beget new alterations; but if it should not take effect (as most of this nature miscarried), the scandal would be so great which the Catholic religion might thereby sustain, as not only their enemies but their friends also would, with good reason, condemn them. Catesby replied, "the nature of the disease required so sharp a remedy," and asked Winter if he would give his consent. Winter answered, that "in this or

* Greenway's MS.

what else soever, if Catesby resolved upon it, he would venture his life;" but suggested some practical difficulties, such as "want of a proper house, and of one to carry the mine, noise in the working, and such like." "Let us give the attempt," said Catesby, "and where it faileth, pass no further. But first," added he, "because we will leave no peaceable and quiet way untried, you shall go over and inform the Constable* of the state of the Catholics here in England, entreating him to solicit his Majesty at his coming hither, that the penal laws may be recalled, and we admitted into the rank of his other subjects; withal you may bring over some confident gentleman, such as you shall understand best able for this business;" and named Guido Fawkes to him †. In compliance with this suggestion, Winter repaired to the Netherlands; in his conference with the Constable Velasco at Bergen, he received general assurances of goodwill on the part of the King of Spain towards the English Catholics, but no encouragement to expect that the Ambassador would stipulate decisively for their relief in the treaty of peace which was then in the course of arrangement; and these impressions being confirmed by Sir W. Stanley and other English Catholics, then in the military service of the Archduke in Flanders, he returned into England, taking Fawkes along with him, but without, at that time, communicating to him the nature of Catesby's proposal.

Guido, or Guy Fawkes, whose name has been more generally associated with this Plot than that of any of the other conspirators, in consequence of

* This was Velasco, the Constable of Castile, who had arrived in Flanders on his way to England, to conclude a peace between James and the King of Spain.

† These particulars are taken from Thomas Winter's Confession, in 'the Discourse of the Gun-powder Plot.'

the prominent part he undertook in the execution of it, was a gentleman of good family, and respectable parentage in Yorkshire. His father, Edward Fawkes, was a notary at York, and held the office of Registrar and Advocate of the Consistory Court of the Cathedral Church there*. He died in 1578, leaving a large family. Of the education and early history of Guy Fawkes nothing is known; but having spent the little property he derived from his father, he enlisted as a soldier of fortune in the Spanish army in Flanders, and was present at the taking of Calais, by the Archduke Albert, in 1598. He was well known to the English Catholics, and had been despatched by Sir William Stanley and Owen, from Flanders to join Christopher Wright on his embassy to Philip II., immediately after Queen Elizabeth's death. Father Greenway, who knew all the conspirators intimately, describes him as "a man of great piety, of exemplary

* The proof of this identification of Guy Fawkes is as follows: In an Examination dated the 7th of November, 1605, in which he, for the first time, gives his real name, Fawkes says, that he "was born in the city of York, and that his father's name was Edward Fawkes, a gentleman, a younger brother, who died about thirty years before, and left to him but small living which he spent." Now it appears from certain proceedings in the Star-Chamber in 1573, the record of which is in the Chapter-house at Westminster, that an Edward Fawkes, a notary, was at that time living at York in a respectable sphere of life; and in the register of burials in St. Olave's, in Marygate at York, is the following entry: "Mr. Edward Fawkes, Register and Advocate of the Consistory Court of the Cathedral Church of York, about forty-six years of age, buried in the Cathedral Church, January 17th, 1578." Here then is an Edward Fawkes, whose station in the world and time of death correspond pretty exactly with the statement of Fawkes himself in the Examination, and as the name is an uncommon one, the above facts seem almost to amount to demonstration. It is highly probable that Edward Fawkes, who is described by his son as "a gentleman, and a younger brother," belonged to the family of Fawkes of Fernley, but neither his name, nor that of Guido appears in any pedigree of that family.

temperance, of mild and cheerful demeanour, an enemy of broils and disputes, a faithful friend, and remarkable for his punctual attendance upon religious observances." His society is stated, by the same authority, to have been "sought by all the most distinguished in the Archduke's camp for nobility and virtue." If this account of his character is correct, we are to look upon this man, not according to the popular notion, as a mercenary ruffian, ready for hire to perform the chief part in any tragedy of blood, but as an enthusiast whose understanding had been distorted by superstition, and in whom fanaticism had conquered the better feelings of nature. His conduct after the discovery of the Plot is quite consistent with the character of a fanatic.

Thomas Winter returned to London with Fawkes, about the latter end of April, 1604, and reported to Catesby the slender encouragement he had received from the Constable to expect any material assistance from the King of Spain or himself in the way of negotiation. This result of the mission had probably been anticipated by Catesby, who seems to have only suggested it in order to remove the conscientious scruples of Winter.

A few days after Winter's return, Thomas Percy, whom we have already mentioned as one of the most prominent characters in this transaction, came to London, probably upon Catesby's invitation. Percy was confidential steward to Henry Earl of Northumberland, and nearly related to that nobleman, who had appointed him one of the band of gentlemen pensioners. In his youth he is said to have been dissipated and licentious, but since his conversion to the Catholic faith, he, like Catesby, had become an enthusiastic devotee. Father Greenway says that, at the period of which we are speaking, "he was about forty-six years of age, though from the whiteness

of his head, he appeared to be older ; his figure was tall and handsome ; his eyes large and lively, and the expression of his countenance pleasing, though grave ; and notwithstanding the boldness of his mind, his manners were gentle and quiet *". He had been employed, as above related, by the Earl of Northumberland, on a mission to the King in Scotland, previously to the death of Elizabeth, for the purpose of ascertaining the disposition of James towards the Catholics. He returned into England with assurances of James's favourable intentions, reporting to the Catholics the King's promise of a full toleration of their religion, and urging them on that ground to support his title. When the King afterwards adopted a course of conduct totally different from these assurances, the mind of Percy was filled with the deepest distress and indignation. He imagined that his Catholic brethren regarded him with suspicion or contempt, as one who had been used either as a willing instrument, or as a dupe, for the purpose of betraying them ; and in this state of mind, he was prepared to yield his ready assistance to any scheme, which might enable him to vindicate the sincerity of his devotion to the Catholic cause.

Upon Percy's joining Catesby at his lodging in London, Thomas Winter, John Wright, and Fawkes were present ; Percy's address to them as soon as he came into their company was, " Well, gentlemen, shall we always *talk*, and never *do* any thing ?" Catesby then drew him aside and whispered to him of something to be done, but proposed that before the particulars of the scheme should be disclosed, all of them should take a solemn oath of secrecy. This was agreed to ; and accordingly a few days afterwards they met by appointment at a house in the fields beyond St. Clement's Inn, and Catesby, Percy,

* Greenway's MS.

Thomas Winter, John Wright, and Fawkes, then severally took an oath in the following form: "You shall swear by the blessed Trinity, and by the sacrament you now propose to receive, never to disclose directly or indirectly, by word or circumstance, the matter that shall be proposed to you to keep secret, nor desist from the execution thereof until the rest shall give you leave." This oath was given by them to each other in the most solemn manner, "kneeling down upon their knees with their hands laid upon a primer." Immediately after they had taken the oath, Catesby explained to Percy, and Winter and Wright to Fawkes, that the project intended was to blow up the Parliament House with gunpowder when the King went to the House of Lords. This was approved by both of them; and after some consultation and discussion, respecting the means of effecting their purpose, they all adjourned to an upper room in the same house, where they heard mass, and received the sacrament from Father Gerard, a Jesuit missionary, in confirmation of their vow. But both Fawkes and Thomas Winter (who were the only individuals of this party who could be examined as to this fact after the discovery of the plot, Catesby, Wright, and Percy having been slain in Worcestershire) state that the secret was not imparted to Gerard.

During Winter's absence in the Netherlands, Catesby had made inquiries respecting a house situated next to the Parliament House, which seemed particularly well adapted to the purpose of the conspirators. This house he found was held by one Ferris, as tenant to Whinneard, the keeper of the King's wardrobe: it was now arranged that Percy should purchase the interest of Ferris in the house, under the pretence that it was conveniently situated for his occasional residence, while discharging the duties of his office of gentleman pensioner. The house was

accordingly taken in Percy's name, by a written agreement with Ferris, the original of which, dated the 24th May, 1604, may be seen at the State-Paper Office. From the cellar of this house a mine was to be made through the wall of the Parliament House, and a quantity of gunpowder and combustibles to be deposited immediately under the House of Lords. It was arranged that Fawkes, who was not known in London, should receive the keys, and keep possession of the house, under the assumed name of Johnson, as Percy's servant. Soon afterwards the Parliament was adjourned until the 7th of February following; and upon this the conspirators agreed to depart into the country, and to meet again about the beginning of November. In the interval it was thought desirable that a house should be taken at Lambeth, at which the timber required for constructing the mine, and also the powder and other combustibles, might be collected in small quantities at a time, and afterwards removed by night to the house at Westminster. The custody of the house at Lambeth was, at Catesby's suggestion, committed to Robert Keyes, who, after being sworn in the same manner as the others, was intrusted with the secret, and received into the number of conspirators, shortly before Midsummer.

There is reason to believe that Robert Keyes, Key, or Kay, was the son of Edward Kay, a Protestant clergyman, of Stavely in the north of Derbyshire, who was himself a younger son of John Kay of Woodsam in Yorkshire, from whom the Baronets of that name are lineally descended. The mother of Robert Keyes was a daughter of Sir Robert Tyrwhitt of Kettleby, a Catholic gentleman, of great opulence in Lincolnshire. Keyes was himself a Catholic, and seems to have been in indigent circumstances: Father Greenway says, that "he was introduced

merely for the sake of his personal services, having no estates, and no more money than was necessary to support himself and his wife". He is described as of Glatton in Huntingdonshire; but for some time previously to this period, he had been with his family an inmate in the mansion of Lord Mordaunt, at Turvey in Bedfordshire, and his wife was employed in bringing up the children of that nobleman*. Lord Mordaunt's intimacy with Keyes was a circumstance which was afterwards strongly pressed against him in the Star-Chamber, as indicating his privity to the plot.

In the course of the autumn of 1604, the treaty of peace between Spain and England was concluded. The Constable, Velasco, interceded for the English Catholics, and assured James that the King of Spain would regard any indulgence shown to them as a favour conferred upon himself; but their toleration was not expressly insisted upon; and James and his advisers saw plainly, that however urgently the King of Spain might press the point, he was not disposed to sacrifice to the attainment of that object the solid advantages he flattered himself he had gained by the treaty of peace. Unrestrained, therefore, by any fear of hostile interference on the part of the King of Spain, the Government now proceeded with renewed activity to enforce the penal laws against the Catholics; express instructions to this effect were again given to the Judges in the Star-Chamber, previously to their leaving London on the summer circuits; the searches for priests were renewed with more rigour than ever; and a new commission issued for the effectual expulsion of the Jesuit missionaries*.

The conspirators, united and exasperated by these proceedings, which had entirely removed all scruples

* Lord Mordaunt's Examination, 4th February, 1605, in the State-Paper Office.

of conscience and humanity respecting their sanguinary project, met in London shortly before Michaelmas term, according to the agreement they had made previously to their separation. It was then determined to proceed at once with the mine; and Fawkes was despatched to the house at Westminster in his assumed character of Percy's servant, to make observations and prepare the means of operation. An unexpected impediment arose from the circumstance that the Parliamentary Commissioners for arranging the proposed union between Scotland and England had appointed to hold their meetings in the house taken by Percy. In consequence of this difficulty, though they had collected a large quantity of powder, the commencement of the mine was deferred for about a month. During the interval a transaction took place, not mentioned by historians of this period, which excited extreme interest amongst the whole body of English Catholics.

It appears that at the assizes at Manchester, in the summer of 1604, several Jesuits or seminary priests were tried, condemned, and executed under the statute 27th Elizabeth, for high treason, in remaining within the realm after the time prescribed by the royal proclamation. The judges of assize for the northern circuit, Baron Savile and Serjeant Phillips, were reported to have uttered strong invectives against the Catholics on occasion of these prosecutions; and the former in particular was said to have declared as law to the grand jury, that all persons attending upon the celebration of mass, by a Jesuit or seminary priest, were guilty of felony. Upon this, Mr. Pound, an aged Catholic gentleman residing in Lancashire, who had been imprisoned in Queen Elizabeth's time on account of his religion, presented a petition to the King, complaining generally of the persecution of the Catholics, and in particular of the rigorous pro-

ceedings and alarming doctrines of the Judges at Manchester. The language of the petition was respectful, and the petitioner merely stated the facts as represented to him, and prayed for a commission to examine into their truth. He was immediately seized, and carried before the Privy Council; and, after an examination, was prosecuted by the Attorney-General, *ore tenus*, in the Star-Chamber, for a contempt. The information in the Star-Chamber was heard on the 29th of November, 1604, before the Lord Chancellor Egerton, Chief Justice Popham, the Archbishop of Canterbury (Baucroft), the Bishop of London, the Earl of Salisbury (then Viscount Cranburne), the Lord Burleigh, and several other judges and members of the Privy Council. No pains were spared to render this judicial proceeding against an inoffensive old man as imposing as possible. Sir Edward Coke inveighed violently against the doctrines and practices of the Catholics; the Lords of the Council and Judges followed in the same strain*; and in the end, Mr. Pound was sentenced by the court to be imprisoned in the Fleet during the King's pleasure; to stand in the pillory, both at Lancaster and Westminster, and to pay a fine of one thousand pounds. Many members of the court proposed to add to this severe sentence, that the old man should be nailed to the pillory, and have both his ears cut off. This barbarous proposition was negatived by a majority of one or two voices only†. These proceedings, together with the unremitted search for priests, the rigorous exaction of recusancy fines, in manifest breach of the repeated promises made by the King

* The Archbishop of Canterbury said, that "all Catholics held themselves so strictly tied by the rules of their religion, as never one to accuse another; therefore," said he, "nothing is to be discovered from them but by *putting some Judas among them.*"

† *Bushon Papers.*

to the contrary, and the whispers of still more severe measures intended in the ensuing Parliament, filled the minds of the Catholics at this period with indignation and despair.

Catesby and his confederates assembled together in London, according to their previous arrangement, about the 11th of December, at which time the conspirators, with the exception of Keyes, who remained at first at Lambeth, entered the house late at night. They had provided themselves with tools fit for making their excavation, and had taken with them a quantity of hard eggs, baked meats, and pasties, in order to avoid exciting suspicion by going frequently abroad for provisions. They began their work immediately by carrying a mine up to the stone-wall which separated the house in which they were from the Parliament House; this wall proved to be three yards in thickness, and finding their undertaking to be one of much greater labour and difficulty than they had anticipated, they first sent for Keyes from Lambeth, and then enlisted into their party Christopher, a younger brother of John Wright, to assist at the work. "All which seven," says Fawkes*, "were gentlemen of name and blood; and not any was employed in or about this action (no, not so much as in digging and mining) that was not a gentleman. And while the others wrought, I stood as sentinel to descry any man that came near; and when any man came near to the place, upon warning given by me, they ceased until they had again notice from me to proceed; and we seven lay in the house, and had shot and powder, and we all resolved to die in that place before we yielded or were taken." All day long they worked at the mine, carrying the earth and rubbish into a little building in the garden behind

* Fawkes's Examination, 8th November.—State-Paper Office.

the house, and at night they removed it from the building into the garden, spreading it abroad. and covering it carefully over with turf. In this manner these determined men worked without intermission until Christmas-eve ; and during the whole of that time not one of them showed himself in the upper part of the house, or was ever seen by the neighbours or passengers, excepting Fawkes, who was supposed to be keeping the house for his master Percy. Their principal reason for keeping close was to avoid raising a suspicion (which if so many notorious Catholics had been observed resorting to one house, would naturally have occurred) that they assembled there for religious purposes ; and in that case a diligent search might have been instituted for the priest, which would at once have discovered the scheme.

During their laborious employment at this time they had much consultation respecting the plans to be adopted after the destructive project had taken effect. All the parties who were subsequently examined declared, that it was the intention to have proclaimed one of the royal family as king. Prince Henry they concluded would accompany the King to the Parliament House, and perish there with his father. The Duke of York, afterwards Charles I., would then be the next heir, and Percy undertook to secure his person, and carry him off in safety as soon as the fatal blow was struck. If this scheme should fail, the princess Elizabeth, who was under the care of Lord Harrington, at his house near Coventry, might be easily surprised and secured by a party to be provided in the country. At all events, it was arranged that Warwickshire should be the general rendezvous, and that supplies of horses and armour should be sent to the houses of several of the conspirators in that county, to be used as occasion might require. They had at this time many discussions respecting

those Lords who should be saved by a previous warning ; upon this subject there was always a difference of opinion amongst them ; in consequence of which, no particulars were then settled, though it was understood generally that all who were Catholics, or so disposed, should, by some means or other, be saved. They also often discussed the propriety of communicating with Catholic Governments abroad ; but the majority appear to have determined not to disclose the scheme to any foreign princes, as they could not be bound by an oath of secrecy, and therefore might betray the project if they disapproved of it. Father Greenway says, that they "decided not to disclose the particulars of their design to the Pope, Clement VIII., because they knew that his holiness expected relief for the Catholics from negotiation with James, for whom he had a paternal regard, and of whom he was induced to hope much by the information of persons who did not understand the King's real character, and that he had with this view enjoined all who acknowledged his jurisdiction in England, to abstain from acts of violence and await the result with patience."

In the midst of their deliberations on these points, Fawkes brought intelligence that the Parliament had been again prorogued from the 7th of February to the 3d of October following. This information gave them satisfaction, as it allowed them abundance of time to mature the details of their plan, and to obtain a few more active confederates ; they agreed, therefore, to separate till after the Christmas holidays, and then to meet and renew their toilsome occupation. It was suggested that the interval should be spent by each in his ordinary mode of life ; and that in order to avoid suspicion, they should associate together as little as possible, and that above all, no written communication should take place between them upon the

subject of the plot. Previously to their temporary separation, permission was given to Catesby and Percy, at any time, with the consent of one of the other conspirators, to communicate the secret to such persons as they thought fit to be intrusted with it; Catesby saying, "that many might be willing that he should know of their privity, who would not consent that their names should be given to all the company." Under this understanding, John Grant, of Norbrook, near Warwick, and Robert Winter, of Huddington, were sent for to Oxford, by Catesby, in the month of January, 1604-5, and after having taken the oath of secrecy in the presence of Catesby and Thomas Winter, were informed of the full particulars of the plot* and admitted as confederates.

John Grant was descended from a Worcestershire family, of whom few memorials are extant; his ancestors are described in several pedigrees, as of Saltmarsh in Worcestershire, and of Snitterfield in Warwickshire. The latter designation is, no doubt, to be referred to his residence at Norbrook, which immediately adjoined Snitterfield, though it is not now considered to be locally situate within that parish. The mansion-house of the Grants at Norbrook was conveniently placed for the purposes of the conspirators, being in the centre of their proposed rendezvous, and of the most populous part of Warwickshire, between the towns of Warwick and Stratford-on-Avon. It was walled and moated, and well calculated, from its great extent, for the reception of horses and ammunition. At the present day, little remains of it but its name; some fragments of massive stone walls are, however, still to be found, and the line of the moat may be distinctly traced; an ancient hall of large dimensions is

* Robert Winter's Examination, 17th January, 1604-5; Thomas Winter's Examination, same date.—State-Paper Office.

also apparent among the partitions and disfigurements of a modern farmer's kitchen. The identity of the house is fixed, not only by its name and local situation, but by a continuing tradition, that this was the residence of one of the gunpowder conspirators; and still more conclusively by the circumstance, that an old part of the building, which was taken down a few years ago, was known by the name of the Powder Room. John Grant is described by Greenway as a man of accomplished manners, but of a melancholy and taciturn disposition; he had married a sister of the Winters of Huddington, and at the time of the Gunpowder Plot had several brothers, some of whom were involved with him in the conspiracy. He also had been subject to persecution for his religion in the reign of Elizabeth.

Robert Winter was the eldest brother of Thomas Winter, of whose family and connexions we have already given an account; he resided at Huddington, and was in possession of the family estate; he was a firm Catholic, and had married the daughter of John Talbot, of Grafton, a Catholic gentleman of great wealth and influence in the county of Worcester. At the first communication of the plot to him, Robert Winter hesitated*, and expressed surprise that Catesby should attempt so dangerous a project, and one, as he suggested, so unlikely to succeed without foreign aid, or the assistance of some great men at home; adding, "that if the plot were discovered, as such things generally were, it would scandalize all the Catholics in the King's opinion, and utterly ruin the lives and estates of all who were engaged in it." Catesby disclaimed all expectation of foreign aid; saying, "that the ambassadors of foreign princes had been in England, and had done nothing for Catho-

* Robert Winter's Letter to the Lords, dated 21st January, 1605-6.—State-Paper Office

lics; nor had he any hopes from any of them. The state of the Catholics," he said, "was desperate, for he was well assured that, before the end of the Parliament, such laws would be passed as would bring all of them within præmunire at the least; and therefore it was that he had resolved on that course." With these suggestions Robert Winter was for the time satisfied; he did not, however, join the party in London until Easter, after the mine had been abandoned. About the same time, Thomas Bates, an old servant of Catesby, being supposed to have obtained a suspicion of the plot, from having been employed by his master about the house at Westminster, it was thought more prudent to make him a full accomplice, and to bind him by the oath of secrecy, than to leave him at liberty to make partial disclosures, which might lead to the overthrow of the whole undertaking. Father Greenway says, that "he was a man of mean station, who had been much persecuted on account of religion." The accession of this man to the conspiracy is important, not from the part which he acted in the plot itself, which was subordinate and insignificant, but because he was the person who, by his statements after his apprehension, first implicated the Jesuit priests in the transaction. His evidence on this subject will be fully stated and considered hereafter.

By the beginning of February, the confederates, having resumed their labours, had, by great perseverance and exertion, pierced about half through the stone-wall. Father Greenway observes that "it seemed almost incredible that men of their quality, accustomed to live in ease and delicacy, could have undergone such severe labour; and especially that, in a few weeks, they should have effected much more than as many workmen would have done, who had been all their lives in the habit of gaining their daily

bread by their labour." In particular, he remarks that "it was wonderful how Percy and Catesby, who were unusually tall men, could endure for so long a time the intense fatigue of working day and night in the stooping posture, which was rendered necessary by the straitness of the place." Greenway also relates an incident which occurred while they were at work, and which is perhaps worth repeating, as an instance of the gross superstition of the times, and also as evincing the workings of conscience on the minds of the conspirators as they proceeded with their design. They were one day surprised by the sound of the tolling of a bell, which seemed to proceed from the middle of the wall under the Parliament House; all suspended their labour, and listened with alarm and uneasiness to the mysterious sound. Fawkes was sent for from his station above; the tolling still continued, and was distinctly heard by him as well as the others. Much wondering at this prodigy, they sprinkled the wall with holy water, when the sound instantly ceased. Upon this they resumed their labour, and after a short time the tolling commenced again, and again was silenced by the application of holy water. This process was repeated frequently for several days, till at length the unearthly sound was heard no more.

These ideal terrors were shortly afterwards succeeded by another and more reasonable ground of uneasiness. One morning, while working upon the wall, they suddenly heard a rushing noise in a cellar, nearly above their heads. At first they imagined that they had been discovered; but Fawkes being despatched to reconnoitre, found that one Bright, to whom the cellar belonged, was selling off his coals in order to remove, and that the noise proceeded from this cause. Fawkes carefully surveyed the place, which proved to be a large vault, situated immediately

below the House of Lords, and extremely convenient for the purpose they had in view. The difficulty of carrying the mine through the wall had lately very much increased. Besides the danger of discovery from the heavy blows which it was necessary to strike in penetrating the stone foundations, they found that as the work extended towards the river, the water began to flow in upon them, and not only impeded their progress, but showed that the mine would be an improper depository for the powder and combustibles. Finding that the cellar would shortly become vacant, the conspirators agreed that it should be hired in Percy's name, under the pretext that he wanted it for the reception of his own coals and wood: this was accordingly done, and immediate possession was obtained. The mine was abandoned, and about twenty barrels of powder were forthwith carried from the house at Lambeth by night, in a boat across the river, into the cellar in hampers; large stones, and the iron bars and other tools used by them in mining, were thrown into the barrels amongst the powder, the object of which Fawkes afterwards declared to be, to "make the breach the greater*," and the whole was covered over with faggots and billets of wood. In order to complete the deception, they also placed a quantity of lumber and empty bottles in the cellar. The preparations were complete about the beginning of May, 1605; they then carefully closed the cellar, having first placed certain marks about the door inside, by which they might at any time ascertain whether it had been entered in their absence; and as the Parliament was not to meet till the 3d of October, they agreed to separate for some months, in order to avoid the suspicion which might arise from their being

* Fawkes's Examination, 5th November, 1605.—State-Paper Office.

seen together in London. Before their separation, Catesby proposed that an attempt should be made to obtain foreign countenance and co-operation, by informing Sir William Stanley and Owen of the project. This was agreed to, on condition of their being sworn to secrecy, and Fawkes was despatched into Flanders shortly before Easter, for the purpose of conferring with them. He returned about the latter end of August, without having seen Sir William Stanley, who was in Spain; he conferred, however, with Owen, who told him that, from the relation which then subsisted between England and Spain, Sir William Stanley was not likely to promote the scheme, but that he himself would undertake to communicate the particulars to him as soon as it was put in execution*.

In the early part of September the conspirators despatched Sir Edmund Baynham on a mission to the Pope. Baynham was a Catholic gentleman of good family in Gloucestershire, but of profligate and turbulent habits. Besides being engaged in Essex's rebellion, he had been more than once prosecuted in the Star-Chamber, in the time of Elizabeth, for riots and affrays, and was known as the captain of a club or society called "the Damned Crew," the name of which strongly denotes its character. He was intimate with Catesby, and several other conspirators, and there can be little doubt that before he left England he was fully acquainted with the plot. He was sent to Rome at this time, in order that he might be there when the news of the explosion arrived, and be prepared to negotiate with the Pope on behalf of the conspirators, and to explain to him their designs respecting the establishment of the Catholic religion in England. This mission of

* Thomas Winter's Examination, 17th November, 1605.—State-Paper Office.

Sir Edmund Baynham will be more particularly noticed hereafter, as the circumstances which attended it formed very strong evidence of Father Garnet's criminal implication in the plot.

Soon after Fawkes's return from Flanders, the Parliament was further prorogued from the 3d of October till the 5th of November. These repeated prorogations alarmed the conspirators, and led them to fear that their project was suspected, if not discovered. Thomas Winter was therefore sent to observe the demeanour and countenances of the commissioners by whom the Parliament was prorogued, with the customary solemnities. Being a retainer in the household of Lord Mounteagle, who was one of the commissioners, his attendance upon his lordship furnished him with the means of being present at the ceremony*. He observed no indications of suspicion or alarm, and nothing hasty or unusual in the form and conduct of the proceeding. The commissioners, amongst whom were the Earls of Salisbury and Suffolk, carelessly conversed and walked about in the House of Lords, evidently unconscious of the volcano which lay prepared beneath their feet, and which only required a spark of fire to involve them in instant destruction. This apparent absence of all uneasiness and suspicion quieted the fears of the conspirators, and induced them to conclude that their secret was still safe

Catesby had, from the commencement of the conspiracy, been aware of the expediency of being prepared with some disposable military force, to meet any resistance which might be raised to them after the fatal explosion had taken place. For this purpose, horses, arms, powder, and other ammunition were purchased and distributed in the houses of

* Thomas Winter's Examination, 12th November, 1605

† Greenway's MS.

various conspirators in the midland counties, but principally at his own house at Ashby St. Legers, and at that of John Grant at Norbrook. This could not be done secretly; and therefore to give a colour to these warlike preparations, Catesby took great pains to inform all his friends and acquaintance that he was about to raise a troop of three hundred horse, under the levies which the Spanish Ambassador was then making, and to engage with them in the service of the Archduke in Flanders*. Upon this, many enterprising and discontented gentlemen offered to join him as volunteers, and to advance money and horses for the undertaking. Catesby at once perceived the advantage which he should gain for his real object by accepting these offers, and thus placing himself, and such other commanders as he could trust, at the head of a military force, to be afterwards employed for his own purposes as circumstances might require. In this manner, therefore, he employed the summer of 1605, in collecting together a great number of gentlemen, all armed and equipped; directing them to be ready for service at the shortest notice. He selected his officers from his most approved and confidential friends, and cautiously introduced amongst them several of the sworn conspirators in the Gunpowder Plot †.

Shortly before Michaelmas, 1605, Percy and Catesby met by appointment at Bath; and it was then arranged that two or three persons of wealth should be added to the secret confederacy, in order to provide means for raising further supplies of horses

* The Spanish Ambassador had prevailed upon the King to permit these levies, under which Catholics were almost exclusively chosen. The first proposition was that they should be commanded by Sir Charles Percy, brother of Northumberland, but he declined the duty, and the charge was then given to the young Earl of Arundel. See Beaumont's *Dépêches*.

† Greenway's MS.

and ammunition. For this purpose three Catholic gentlemen, Sir Everard Digby, Ambrose Rookwood, and Francis Tresham, the two first intimate friends, and the last a near relation of Catesby, were selected.

Sir Everard Digby of Tilton and Drystoke, in Rutlandshire, belonged to an ancient and honourable family, distinguished during several generations for their wealth and loyalty. He was born in 1581, and therefore at the time of the Powder Plot was only twenty-four years of age. He had lost his father in his childhood, and while in wardship to Queen Elizabeth appears to have been favourably noticed at court. In the year 1596 he married the only daughter and heiress of the family of Moulsoe or Mulsho, of Goathurst, in Buckinghamshire; whose parents dying soon after the marriage, a large estate descended to Sir Everard in right of his wife. He had two sons; the eldest of whom was the celebrated Sir Kenelm Digby. Sir Everard had been knighted by James I. at Belvoir Castle, on his journey from Scotland to London, upon his accession to the crown of England. Greenway says, that though his father was a Catholic, Sir Everard had been brought up during his minority in a Protestant house; and though always much inclined to the Catholic religion, did not openly profess it until he had arrived at an age when he had the entire disposal of himself. "And notwithstanding," says Greenway, whose descriptions of the conspirators are sufficiently high-flown, "that until his majority he had dwelt much in the Queen's court, and was in the way of obtaining honours and distinction by his graceful manners and rare parts, he chose rather to bear the cross with the persecuted Catholics, *et vivere abjectus in domo Domini*, than to sail through the pleasures of a palace and the prosperities of the world, to the shipwreck of his conscience and the destruction of his soul.' By the

the partial writer Sir Everard Digby is described as "old in prudence, though young in years, possessing many accomplishments, a profound judgment, and a great and brilliant understanding." It must be confessed, that neither his conduct nor his letters justify this panegyric. He appears throughout this transaction as a weak and bigoted young man, never acting upon his own judgment or impulses, but submitting himself entirely to the control and guidance of the Jesuits.

The secret was communicated by Catesby to Sir Everard Digby about Michaelmas, 1605, the oath of secrecy having been previously given to him. He says, in one of his examinations*, that "upon the first breaking of it to him, he showed much dislike, but forbore to reveal it, upon scruple of conscience in respect of his oath." By his Letters, however, first published in 1678, at the end of the Bishop of Lincoln's republication of the 'Account of the Gunpowder Plot,' it clearly appears that he cordially joined in the project from religious zeal, as soon as he had satisfied himself that the action had been approved by good authority in the Catholic Church. Sir Everard Digby agreed to contribute to the cause £1,500 in money, and a quantity of horses, arms, and ammunition.

Ambrose Rookwood, of Coldham Hall, in Stanningfield, Suffolk, was an extremely interesting character in the history of this conspiracy. He was the descendant, and at this time the head, of one of the most ancient and opulent families in the kingdom. His ancestors had been in possession of the manor of Stanningfield, which at the present day continues vested in their lineal descendants, from the time of Edward I., and they had repeatedly represented the county of Suffolk in Parliament. At the Reforma-

* 20th November, 1605.—State-Paper Office.

tion the Rookwoods adhered to the ancient religion; and several of them afterwards experienced the rigour of Protestant persecution; one instance of which, in the case of Edward Rookwood, of Euston Hall, we have already related. Ambrose Rookwood was born of Catholic parents, and carefully brought up from his childhood in the Catholic faith. He had received his education at one of the Catholic universities in Flanders, and when he succeeded to his inheritance his house in Suffolk became, as it had been in his father's time, a common asylum for priests and persecuted Catholics, and mass was constantly performed there; in consequence of which he was subjected to repeated prosecutions and penalties. He married a daughter of Sir William Tyrwhit, of Kettleby, in Lincolnshire, by whom he had two or three children. He possessed an ample estate, and was especially remarkable for his stud of fine horses; a circumstance which made him a particularly desirable acquisition to the conspirators. At the period of which we are speaking he was twenty-seven years of age: he had been long the intimate friend of Catesby, whom, he says*, "he loved and respected as his own life;" and attachment to him, fully as much as religious enthusiasm, was the motive which drew Rookwood from the bosom of his family, and bound him to this rash and desperate conspiracy†. Being in London about Michaelmas, 1605, Catesby told him that "for the ancient love he had borne

* Examination of the 2d December, 1605.—State-Paper Office.

† Father Greenway, from whose narrative we principally take these particulars of Rookwood, says that "he knew him intimately and loved him tenderly, and that he was beloved by all who knew him;" and he concludes his account of him in these words: "Lascio quando muorì della sua moglie, la quale era et bella et di famiglia nobile, o duo o tre puttini, ai quali tutti insieme con quanto in questo mondo havea, preferì la compagnia di questa infelicissima et temeraria congiura."

unto him, he would impart a matter of importance unto him ;” and then, after administering the oath of secrecy, he revealed to him the design of blowing up the King and the Parliament House with powder. Rookwood states that he was “somewhat amazed” at the proposal; and asked, “how such as were Catholics and divers other friends should be preserved?” Catesby answered, that “a trick should be put upon them.” Then Rookwood objected that “it was a matter of conscience to take away so much blood.” But Catesby assured him, that “he might be satisfied on that head, for that though he had not put that case in particular to any, he had put the like case, and had been resolved by good authority that in conscience it might be done.” Rookwood still expressing scruples of conscience respecting the lawfulness of the action, Catesby told him “that he had also asked advice, whether if the act could not be done without the destruction of some innocents it might still be done, and he was resolved that rather than the action should *quail* (fail) they must also suffer as the rest did.” By these assurances Rookwood’s scruples were quieted; and, by Catesby’s advice, he immediately removed with his family to a house belonging to Lord Carew, at Clopton, near Stratford-on-Avon, in Warwickshire, in order that he might be near the general rendezvous.

The third person who was chosen at this time as a partner in the conspiracy was Francis Tresham, the eldest son and heir of Sir Thomas Tresham, whom we have already mentioned as having, in the reign of Elizabeth, suffered severely for the sake of religion; his father died in the summer of 1605, and upon his death Francis Tresham succeeded to a large estate at Rushton, near Kettering, in Northamptonshire. He had been engaged in several plots in the preceding reign, and was extremely active in the Earl of Essex’s

rebellion; and when that nobleman imprisoned the Lord Keeper, the Lord Chief Justice, the Earl of Worcester, and Sir William Knollys in Essex House, Tresham was one of those appointed to guard them; and it was he who insolently told the Lord Keeper that "he had stayed two years for a motion in the Chancery, and hoped his lordship was now at good leisure to hear him*." The strong representation made by the Lord Chief Justice of the insolence of his conduct on this occasion highly exasperated the Queen and Council against him, and notwithstanding the greatest exertions were made on his behalf, it remained for some time doubtful whether he would not have been arraigned and executed with the other commoners implicated in that conspiracy. At length, and only the day before the arraignment of Sir Gilly Merrick and his companions, Tresham received his discharge, in consequence of the powerful interest exerted for him by Lady Catherine Howard and other persons of influence with the Queen †. The exertion of this interest in his favour was, however, only obtained at a pecuniary expense of several thousand pounds, and which reduced his father, Sir

* Criminal Trials, vol. i. p. 326.

† In the Rushton Papers there is a complete account of the mode in which Francis Tresham's exemption from prosecution for his share in the Earl of Essex's rebellion was effected. It appears to have been a transaction of bargain and sale managed with great adroitness and ingenuity. His father Sir Thomas Tresham, and other friends, entered into bonds for the payment of large sums of money at the end of three months to a trustee for the "honourable persons" who were to procure the Queen's mercy; in one instance the bond appears to have been for £2,100, and there were several bonds for £1,000 each; the trustees then executed a sort of declaration of trust, in which, after reciting the bonds, and that "they had a reference to a matter to be performed by a third party not expressed in them," he undertakes, if that matter be not performed before the bonds became due, to re-deliver them to the parties bound.

Thomas Tresham, to difficulty, and, as he himself says, to "penury" for the remainder of his days. After this narrow escape, he became engaged with Catesby, Thomas Winter, and others, in the treasonable correspondence which took place between the English Catholics and the King of Spain shortly before the death of Elizabeth.

The particulars of what took place at the communication of the plot to Tresham by Catesby are unknown; however, he at first seemed to agree to it cordially, and undertook to furnish £2,000 towards the promotion of the scheme. The sincerity of Tresham seems to have been always suspected by some of the conspirators; and probably nothing but the temptation of the great wealth of which, he had lately become possessed upon his father's death, and his devotion to the Catholic religion, would have induced them to consent to his reception amongst them. He was known to be mean, treacherous, and unprincipled; and his character must have been fully understood by Catesby, who was not only his near relation, but had been brought up with him, and had been engaged with him in several treasonable conspiracies. Father Greenway states that Catesby afterwards repented that he had admitted Tresham into the confederacy; that from the moment of his introduction he mistrusted him, and that the most fearful forebodings, excited and supported by ominous dreams portending the failure of his scheme, took possession of his mind.

Besides these three gentlemen, who were intrusted with the whole detail of the plot, and sworn to secrecy, means were taken to ensure the active co-operation of other persons of wealth and influence as soon as the first act of the tragedy had been performed. With this view, Catesby went from Bath to Huddington on a visit to Robert Winter; and send-

ing for Humphrey and Stephen Littleton, of Holbeach, in Staffordshire, informed them of his proposed expedition to join the Archduke with a troop of three hundred English horse in Flanders. He then promised to give Stephen Littleton the command of a company, and offered to take over with him a natural son of Humphrey Littleton as his page. He invited both the Littletons to meet him at Dunchurch, at which place he proposed to make merry with his friends some three or four days, and promised to give them due notice of the day of meeting through Robert Winter; adding, that at Dunchurch he would appoint the time, and make the necessary arrangements with them for the campaign in Flanders *

The day of the meeting of Parliament now approached; and as no further prorogation was expected, it became necessary for the conspirators finally to arrange their plan. For this purpose they had frequent consultations at White Webbs, in the course of which the following points were determined upon. First, that Fawkes, as a man of approved courage and of experience in emergencies, should be intrusted to set fire to the mine. This he was to do by means of a slow burning match, which would allow him full a quarter of an hour for his escape before the explosion took place. He was instantly to embark on board a vessel in the river, and to proceed to Flanders with the intelligence of what had been done. Secondly, Sir Everard Digby was to assemble a number of Catholic gentlemen on the 5th of November, at Dunchurch, in Warwickshire, under the pretence of hunting on Dunsmoor Heath; from which place, as soon as they received notice that the blow was struck, a party was to be despatched to

* Robert Winter's Letter to the Lords, 21st January, 1605.—
State-Paper Office.

seize the Princess Elizabeth at the house of Lord Harrington, near Coventry. The Princess was to be immediately proclaimed Queen, in case of a failure in securing the person of the Prince of Wales or the young Duke of York, and a regent was to be appointed during the minority of the new sovereign. Having secured and proclaimed the Princess, Catesby proposed that they should seize the horses at Warwick Castle, and the store of armour belonging to Lord Windsor, at Whewell Grange, in Worcestershire; "and by that time," said he, "I hope some friends will come and take our parts*." Thirdly, Percy was to seize the Prince of Wales, or, if he should be in the Parliament House with the King, he was to take possession of the Duke of York in the palace, to which he would have ready access by means of his office of gentleman-pensioner. He might do this under the pretext of securing his person from danger, and then taking him to a carriage prepared for the purpose, he was to carry him with all speed to Dunchurch.

One subject of discussion arose at this period, which had occasioned from the beginning much difference of opinion. This was the arrangement of a list of those who should be saved by a timely warning from the intended destruction. Several of the conspirators, whose consciences approved the proposition of taking away the lives of the King and the enemies and oppressors of their religion, yet hesitated to involve in the same indiscriminate fate those who were Catholics themselves, who were firm and zealous friends of the Catholic cause, and many of whom had been actively associated with themselves in former attempts against the Protestant Government. Besides many of them had friends and near relations

* Robert Winter's Letter to the Lords, 21st January, 1605.—State-Paper Office.

amongst those who were thus doomed to destruction; the Lords Stourton and Mouteagle, both Catholics, had married sisters of Tresham, and he was on terms of daily and familiar intercourse with both of them. He was therefore "exceeding earnest" that these two Lords, and especially the latter, should have some warning given them, to induce them to absent themselves from the Parliament. Robert Keyes was not less urgent for his friend and patron Lord Mordaunt; and Fawkes mentioned Lord Montague and some others. Percy also pressed that the Earl of Northumberland and Lord Mouteagle should be saved; and all were anxious, if possible, to warn the young Earl of Arundel, who, though under age, had petitioned to be summoned to Parliament. On the other hand, it was strongly urged by Catesby and Thomas Winter, that, by increasing the number of confederates, they would incalculably increase the risk of discovery and prevention; and that a significant hint to individuals to absent themselves would be even more dangerous than a full communication of the design, as it would excite a vague suspicion and alarm without any obligation to secrecy. In his own mind, Catesby had probably little compunction upon this point, as he was heard to declare, that "he made account of the nobility as of Atheists, fools, and cowards, and that lusty bodies would be better for the commonwealth than they*." In order, however, to allay the anxieties of those who had relations and friends in this dangerous predicament, he assured them that he had already ascertained that several of the Catholic peers would not be present at the meeting of Parliament; that he had spoken with Lord Montague, and had persuaded him to make suit to be absent from the Parliament altogether, on the ground

* Keyes's Examination, 30th November, 1605.—State-Paper Office.

that his single voice would not avail against the making of more penal laws against the Catholics; with respect to Lord Mordaunt, he declared that "he would not for the chamber full of diamonds acquaint him with the secret, for that he knew that he could not keep it*;" but that he was assured that his lordship would not take his seat until the middle of the Parliament, because he objected to sitting in his robes in the Parliament House while the King was at church. He also declared that he had good reason to believe that Lord Stourton would not come to town till the Friday after the meeting of Parliament. He further assured them that he wished, as much as they could do, that "all the nobles that were Catholics might be preserved, and that *tricks* should be put upon them to that end;" but, said he, "with all that, rather than the project should not take effect, if they were as dear unto me as mine own son, they also must be blown up †." Upon these suggestions it was concluded by a majority of the conspirators that no express notice should be given, but that individuals should persuade their friends, upon general grounds, to absent themselves, and particularly by urging the little good that so small a party could do in resisting the disposition of the Government, and of a large majority of both Houses of Parliament, to inflict more severe restrictions upon the Catholics †. To Tresham this appeared to be a fearfully slender thread to rely upon; he afterwards unexpectedly joined Catesby, Thomas Winter, and

* Keyes's Examination, 30th November, 1605.—State-Paper Office.

† Keyes's Examination, *ubi supra*.

† Fawkes's Examination, 18th November, 1605. State-Paper Office. In another examination Fawkes says, "We durst not forewarn them for fear we should be discovered; we meant principally to have respected our own safety, and would have prayed for them."

Fawkes, at White Webbs, and again passionately required that warning should be given to Lord Mounteagle. Upon their hesitating to comply with his demand, he hinted that he should not be prepared with the money he had agreed to advance until he had sold some estates, and suggested that it would be better to defer the execution of the plot till the closing of the Parliament, and that the conspirators might spend the interval in Flanders*. Tresham himself declared, after his apprehension, that his object in this advice was to get rid of the plot altogether: "This," says he, "was the only way that I could resolve on to overthrow the action, to save their lives, and to preserve my own fortunes, life, and reputation †." From this time he appears to have taken no part in their consultations; and when the principal conspirators afterwards fled into the country, he remained at his usual place of abode in London, and showed himself unreservedly in the streets ‡. Being, however, unable to convert his confederates to his wishes respecting Lord Mounteagle, he probably determined, without further consultation with them, to give his friends express advertisement of their danger in his own way. It is reasonable to suppose that other conspirators did the same thing by their particular friends; indeed, Sir Everard Digby says, in a letter to his wife §, written after his arraignment, "Divers were to have been brought out of danger, which now would rather hurt them than otherwise. I do not think that there were three worth saving that should have been lost; you may guess that I had some friends that were in danger, which I prevented."

* Greenway's MS., and Tresham's Declaration, 13th November.—State-Paper Office.

† Tresham's Declaration, 13th November

‡ MS. Letter from Sir Edward Hoby to Sir Thomas Edmondes.

§ Gunpowder Treason, p. 251.

On Saturday the 26th of October, ten days before the intended meeting of Parliament, Lord Mounteagle unexpectedly, and without any apparent reason or previous notice, directed a supper to be prepared at his mansion at Hoxton, where he had not been for more than a month before that time. Whilst he was at table, about seven o'clock in the evening, a letter was brought to him by one of his pages, who said he had received it the same evening from a man in the street, whose features he could not distinguish. The page stated that the stranger had asked him "if the Lord Mounteagle was there, and whether he could speak to him;" and, on being told that his lordship was then at supper, he had given him a letter, enjoining him "to deliver it into his master's own hands, as it contained matters of importance." Lord Mounteagle opened the letter, and perceiving that it had neither date nor signature, directed a gentleman in his service, named Ward, to read it aloud*. The letter was as follows:—

' my lord out of the love i beare to some of youer
' frends i have a caer of youer preservacion therefor
' i would advyse yowe as yowe tender youer lyf to
' devyse some excuse to shift of youer attendance at
' this parleament for god and man hathe concurred
' to punishe the wickednes of this tyme and thinke
' not slightlye of this advertisment but retyere
' youre self into youre contri wheare yowe maye ex-
' pect the event in safti for thowghe there be no
' apparance of anni stir yet i saye they shall receyve
' a terrible blowe this parleament and yet they shall
' not seie who hurts them this counsil is not to
' be contemned because it maye do yowe good and
' can do yowe no harme for the dangere is passed
' as soon as yowe have burnt the letter and i hope
' god will give yowe the grace to mak good use of

* Greenway's MS.

‘ it to whose holy proteccion i commend yowe.’ The letter is addressed ‘ To the right honorable the lord ‘ mowteagle.’

At this point of the narrative it is a natural, and it may be a very important subject of inquiry, who was the author of this letter? Among several conjectures upon this subject, the most currently adopted is that which ascribes it to Mrs. Abington, the sister of Lord Mounteagle, and the wife of Mr. Thomas Abington, a Catholic gentleman residing at Henlip, near Worcester. This conjecture appears to have been first expressed nearly a century after the event had occurred, in the course of the discussions which took place in the reign of Charles II. respecting the Popish Plot; since which time it has been adopted and re-asserted with so much confidence by almost all writers who have treated of this period, that it became, to all appearance, an indisputable point in history. No evidence or argument, however, has been adduced in support of this conjecture beyond a vague local tradition, which is seldom to be much relied upon; and which, in this instance, might naturally arise from the near relationship of Mrs. Abington to Lord Mounteagle. On the other hand, no contemporary writer alludes to Mrs. Abington as the author of the letter; and it appears, by positive testimony*, confirmed by many concurring circumstances, that neither Mr. Abington nor his wife were aware of the plot until after its failure. This seems indeed to have been the impression of the Government, for when Mr. Abington was arrested, he was not charged with having been concerned in, or privy to the plot, but with having concealed Father Garnet in his house after he had been proclaimed as a traitor. It is worthy of remark,

* Oldcorne’s Examination, March 6th, 1605.—State-Paper Office.

too, that Mrs. Abington was about this time in child-bed, her son, William Abington, a well known poet, being stated on good authority* to have been born at Henlip, on the 4th of November, 1605, the day before the meeting of Parliament. Under these circumstances, and in the absence of any express evidence of the fact, the ascription of the letter to Mrs. Abington may perhaps be considered as one of those numerous false points which have been suggested in the first instance to remove a difficulty, and having been copied without doubt or inquiry by one historian from another, have become established errors.

Another conjecture has been made, ascribing the letter to Anne Vaux, the daughter of William, Lord Vaux, whom we shall hereafter have occasion more particularly to mention as the devoted friend and companion of Father Garnet †. This suggestion is

* Wood's Ath. Oxon. vol. iii. p. 224, edit. Bliss.

† Gent. Mag. vol. 98, pt. 2, p. 601. The same writer re-asserts his proposition in the Gentleman's Magazine for March, 1835. Of the facts which he relies upon, viz. that Garnet and Walley were the same person, and that Anne Vaux was his friend and companion, there can be no doubt. Nor can it be said, that if Anne Vaux knew of the plot, there was any *impossibility* that she should have written the letter. But the same thing may be said of fifty other persons; and at all events, the argument from the supposed identity of the hand-writing goes much too far. If Anne Vaux wrote the letter in her own undisguised hand, Lord Mounteagle, who had married her cousin, and was her intimate friend, must have recognized it, and must have known from whom the letter came. Would he then have taken this paper to the Council, and thus have endangered the life of his friend and relation, who had saved him from destruction? Again, if Mrs. Vaux wrote the letter, and was indifferent whether Lord Mounteagle discovered the writer, there could be no reason why she should have made the communication in this mysterious manner. Besides, if the hand-writing were "precisely identical," as this writer supposes, the Council who were in possession of many papers written by Anne Vaux, would not have failed to charge her as a full accomplice to the plot.

founded on the supposed identity of the hand-writing of the letter to Lord Mounteagle with that of many letters and papers unquestionably written by Anne Vaux, and still preserved at the State-Paper Office. It rests therefore upon a fact respecting which any of our readers are competent to form a judgment by a personal inspection. We confess that after a careful examination and comparison of the papers, word by word, and letter by letter, we are quite unable to discover the alleged identity of the hand-writing. It is true that both are written in a Roman character; but the use of this character was by no means uncommon in the writing of that day; and if this be the only point of resemblance, there is no more ground for ascribing the letter to Anne Vaux than to any one of her numerous contemporaries who used the same character. Besides, there is no evidence that Anne Vaux, any more than Mrs. Abington, knew of the plot before it was discovered;—she protests herself that she did not; and there is no proof in any of the examinations to implicate her in the transaction except her near relationship to some of the conspirators, and her intimacy with all of them, and in particular her adherence to Garnet after he was declared a traitor by the royal proclamation.

After all, if the letter were really written, as both these conjectures suppose, by a party to the plot, for the mere purpose of saving Lord Mounteagle's life by a significant hint, without intending to prevent the execution of the scheme, it is in vain to attempt to discover the author by the hand-writing. To such a person it would have been of the first importance to remain unknown; every precaution and artifice would have been used to prevent the tracing of the letter, and it seems preposterous to suppose that either Anne Vaux, the intimate friend of Lord

Mounteagle, the near relation of his wife, or Mrs. Abington, his own sister, would have sent the letter in question without taking care effectually to disguise the character of the hand-writing.

It is proper to notice a statement in the ' Discourse of the Discovery of the Gunpowder Plot,' which would seem to point at Percy as the author of the letter. In that narrative Lord Mounteagle is represented as saying to the Earl of Suffolk, on their return from the cellar, that "considering both his backwardness in religion, and the old dearness in friendship between him and Percy, he did greatly suspect that the letter should come from him." For reasons which will presently be stated, we are inclined to think that Lord Mounteagle was acquainted with the whole machinery of the letter, and therefore that he never could have really suspected Percy to be the author of it, although to serve an obvious purpose he might have expressed such a suspicion. At all events, there is no reason whatever for supposing Percy to have sent the letter; his "backwardness in religion," and his friendship with Mounteagle, are arguments which apply to several other conspirators, and with particular force to Tresham; and the whole story of Lord Mounteagle's statement to the Earl of Suffolk may have been invented for the purpose of diverting the public mind from the real fact, which it is abundantly evident that the Government were anxious to suppress.

The expression of a confident judgment upon so obscure a question would be unjustifiable; but all the probabilities of the case coincide with the opinion entertained by the conspirators themselves, and expressed by several contemporary writers; viz. that Tresham was the person by whom the plot was in some mode or other first declared to Lord Mounteagle, and through him to the Government. That

he actually wrote * the mysterious letter may reasonably be doubted;—indeed it is hardly credible that the letter was really the means by which the plot was discovered; but that Tresham was in some manner the author of the discovery, is confirmed by many strong circumstances, and is consistent with all the ascertained facts of the transaction. Amongst the avowed conspirators, there was not one besides Tresham who was ever suspected by his companions to have revealed the secret; whereas Tresham's fidelity was doubted by Catesby and Winter from the moment of his joining the confederacy; and Father Greenway, who was familiar with all their schemes and thoughts, who was with them in London and in Warwickshire, both before and after the discovery of the plot, expressly says that the suspicions of the conspirators themselves rested upon Tresham, and upon Tresham alone †. Accordingly, we find that by almost all the Catholic historians of the plot, Tresham is stated to have been the traitor ‡. No other conspirator had so peculiar an interest in the safety of Lord Mouteagle; Tresham was nearly connected with him by relationship, Lord Mouteagle having married his sister; besides which, they were intimate friends and daily associates, and had been confederated together, not only in the Earl of Essex's rebellion, but in the treasonable correspondence with the

* This was, however, the general opinion of contemporaries both in England and abroad. The following is an extract from a French account of the plot in the State-Paper Office:—"Et ce qui rend ce malheureux desseing tant plus affreux et terrible, c'est que pour avoir esté l'affaire un au entier a trainer, il n'en fut toutesfois conçu aucun soupçon que 8'ou 10 jours auparavant; et ce par le moyen d'une lettre ne portant ny seing ny date, la quelle un des complices nommé Tressam écrivit au Baron de Montegle son beau-frère."

† Greenway's MS.

‡ See Bartoli Historia della Compagnia di Giesu, l'Inghilterra, lib. vi. Juvencii Hist. Soc. Jesu, lib. xiii. sect. 45.

King of Spain, by means of Thomas Winter, in the last year of Elizabeth's reign*. It is clear too, both from his own statement and that of Father Greenway, that at the last Tresham was a reluctant confederate in the plot, and anxiously desired to put an end to it, if he could have done so without endangering himself or sacrificing his companions. For these reasons it is, at any rate, not improbable that he should endeavour to effect both these purposes by a communication to Lord Mounteagle, and through him

* This latter circumstance appears from an examination of Tresham in the State-Paper Office, dated the 29th November, 1605. See *post*, p. 139. This examination exhibits a remarkable instance of the extreme care of the Government for Lord Mounteagle's reputation after the discovery of this plot. The document is in Sir Edward Coke's hand-writing, and in one part of it an unsuspecting reader of such papers would read thus:—"Being demanded what other persons were privy or acquainted with Thomas Winter's employment in Spain (about a year before the Queen's death), besides Catesby and Greenwell, whom Winter had in his examination before named, he confesseth," &c. Before the word "Catesby," however, there is a dash, and on carefully looking at the paper it is manifest that a small slip has been curiously pasted on the examination. On the other side of the leaf the date of the examination is strongly written in red ink by Sir Edward Coke, opposite to the dash, which, when the ink was fresh, must have rendered the words sought to be obliterated utterly illegible; but as the red ink has faded by age, the words "the Lord Mounteagle" are now distinctly visible through the pasted slip of paper, on holding it against the light; so that as the examination originally stood, it would have read thus:—"Being demanded what other persons were privy, &c. besides *the Lord Mounteagle*, Catesby, and Greenwell," &c. A short examination of Thomas Winter, without date, charging Mounteagle, Catesby, and Tresham with his mission into Spain, is still in existence in the State-Paper Office, and there also the name of Mounteagle is carefully obliterated. The reader will observe that these papers fix upon Mounteagle, by the double testimony of Tresham and Thomas Winter, a participation with the conspirators in the Powder Plot in a previous treasonable practice. It will be remembered that Tresham died in the Tower, on the 23d of December, and before the trial of the conspirators.

perhaps to the Government, saving his conscience and his natural feelings towards his friends by an express stipulation that a hint of the discovery should be given to the conspirators in order to afford them an opportunity to escape.

It is, however, hardly credible that the letter was the first intimation given to Lord Mouteagle of the plot. A person intending to preserve his friend from a threatened danger would have taken a more direct and intelligible mode of ensuring his object than by this ambiguous and anonymous epistle. No man, of ordinary understanding, still less a person of Tresham's shrewdness and caution, could have calculated, with certainty, that this letter, generally unmeaning in its terms, and particularly obscure as to the kind of danger to be avoided, would have had the effect of diverting Lord Mouteagle, who was by no means deficient in courage, from his purpose of attending the Parliament. Lord Salisbury expresses this opinion in his letter* to Sir Charles Cornwallis, the ambassador in Spain, saying, that "no wise man could think my lord to be so weak as to take any alarm to absent himself from Parliament upon such a loose advertisement." Many considerations tend to confirm the truth of Father Greenway's suggestion, that the whole story of the letter was merely a device of the Government to cover Tresham's treachery, or at least, for some state reason, to conceal the means by which their information had been derived †.

* Winwood's Memorials, vol. ii. p. 170.

† In Fullman's Collection at Corpus Christi College, Oxford, there are some notes addressed to Anthony Wood, containing several suggestions respecting the history of the Gunpowder Plot. It is said, "The Lord Mouteagle knew there was a letter to be sent to him before it came;" and, in answer to a query on the note in Fullman's hand respecting the proof of this, there is added afterwards in the hand of the original author of the notes, "by

Lord Mounteagle was a person precisely adapted for an instrument on such an occasion, as he was intimate and familiar with the conspirators, and also on good terms with the Council. This appears not only by his being appointed as a commissioner to prorogue the Parliament on the 3d of October (a remarkable circumstance in itself), but from a letter of De Beaumont, the French ambassador, to Villeroy, so late as the 17th of September, 1605, in which he says that James had desired him to apply to the King of France to order the discharge of a brother of Lord Mounteagle, who had been imprisoned for some misdemeanours at Calais. Nor is it at all impossible or improbable that Mounteagle himself was privy to the plot: there is strong evidence to show that he wrote to the Pope by Baynham, the emissary of the conspirators, in September, 1605* ; and Garnet, in his conversation with Hall in the Tower, uses this remarkable language:—"They (meaning the commissioners) pressed me with a question, what noblemen I knew that have written any letters to Rome, and by whom? Well, I see they *will justify my Lord Mounteagle* of all this matter. I said nothing of him, neither will I ever confess him. I will write to-day or to-morrow to let them know that I am resolved to do my Lord no hurt †." The circumstance of Lord Mounteagle's Edmund Church, Esq., his confident." Vol. ii. A similar suspicion appears to have occurred to contemporaries; for Sir Edward Hoby, after giving an account of the discovery of the plot in a letter to Sir Thomas Edmondes, dated in November, 1605, says, "Such as are apt to interpret all things to the worst will not believe other but that Mounteagle might, in policy, cause this letter to be sent, fearing the discovery already of the letter, the rather that one Thomas Ward, a principal man about him, is suspected to be accessory to the conspiracy." Add. MSS. in the British Museum, No. 4176.

* Oldcorne's Examination, 6th March, 1605-6.

† Interlocution between Garnet and Hall, 25th February, 1605-6.

unexpected visit to his house at Hoxton, without any other assignable reason, on the evening in question, looks like the arrangement of a convenient scene; and it is deserving of notice, that the gentleman to whom his lordship gave the letter to read at his table was Thomas Ward, an intimate friend of several of the conspirators, and suspected to have been an accomplice in the treason*. The open reading of such a letter before his household, (which, unless it be supposed to be a part of a counterplot, seems a very unnatural and imprudent course for Lord Mouteagle to adopt,) might be intended to secure evidence that the letter was the first intimation he had of the matter, and would have the effect of giving notice to Ward that the plot was discovered, in order that he might communicate the fact to the conspirators. In truth he did so on the very next morning; and if they had then taken the alarm, and instantly fled into Flanders (as it was natural to suppose they would have done), every part of Tresham's object would have been attained. The scheme was frustrated by the unexpected and extraordinary infatuation of the conspirators themselves, who, notwithstanding their knowledge of the letter, disbelieved the discovery of the plot from the absence of any search at the cellar, and omitting to avail themselves of the means afforded for their flight, still lingered in London. The conduct of Tresham at this precise point of time is peculiarly remarkable. On the day of the delivery of the letter to Lord Mouteagle he is absent in Northamptonshire, which might be contrived to avert the suspicion of the conspirators from himself; two days afterwards he comes to London, and presses Catesby in the most urgent manner to depart; advances him money for his journey, and

* Greenway's MS., and Hoby's Letter to Edmondes, November 19th.

promises him that when he has left the country he shall always "live upon his purse *;" on the following Saturday, only three days before the fatal 5th of November, he meets 'Thomas Winter, by appointment, in Lincoln's Inn Walks, tells him that, to his certain knowledge, the cellar and its contents were fully known to the Council, implores him passionately to begone immediately, and talks, as Greenway expresses it, like a "man beside himself" during the whole interview †.

Lord Mouteagle took the letter the same evening to the Earl of Salisbury at Whitehall, who immediately showed it to several other Lords of the Council. It was unanimously agreed that nothing should be done until the return of the King, who was then absent on a hunting expedition at Royston.

Thomas Winter had received notice of the letter to Lord Mouteagle, and also of its delivery to the Secretary of State, the morning after the latter circumstance had taken place, by means of an express communication from Thomas Ward, the gentleman who had first read the letter to Lord Mouteagle ‡. This intelligence, which was instantly conveyed by Winter to Catesby, filled the minds of both with anxiety and alarm. Before they communicated it to the other conspirators, they determined to ascertain with certainty whether the plot was actually discovered, and, if necessary, to take immediate measures to save themselves and their confederates by flight. This they might easily have accomplished by means of the ship then lying in the Thames, which was to have conveyed Fawkes to Flanders as soon as the explosion had taken place, and which was constantly ready to sail at a few hours' notice. Their first step was to endeavour to discover the

* Tresham's Declaration, November 13th.—State-Paper Office.

† Greenway's MS.

‡ Greenway's MS.

author of the letter. Their suspicions rested wholly on Tresham ; who, at the time the letter was received, had been absent for about a week in Northamptonshire. He returned on Wednesday, the 30th of October, and Catesby and Winter sending for him to White Webbs to confer with him on business of importance, directly charged him with having written the letter to Lord Mouteagle. They had previously resolved that if he confessed the fact or confirmed their suspicions by faltering or hesitation, they would have poniarded him on the spot. He denied the charge with such firmness, and with so many oaths and solemn protestations, that their purpose was shaken, though they still doubted his sincerity. They then returned to London, and sent Fawkes to the cellar, without informing him of the danger he ran in such an expedition, to observe whether the private marks placed within the door had been disturbed ; he went accordingly, examined the cellar carefully, and found all the marks precisely as he had left them. On returning to Catesby and Winter with this report, they for the first time informed him of the letter to Lord Mouteagle, and excused themselves by the necessity of the case, for having placed him in such imminent peril without warning him of it. Fawkes declared that he should have executed the commission quite as readily if he had known of the letter before he went ; and promised to go daily to the cellar to make a similar examination. Encouraged by the absence of any search for so many days, they flattered themselves that the import of the letter had been mistaken, or that it had been considered as a mere practice upon the credulity of Lord Mouteagle, and no longer concealed the circumstance from such of their confederates as were in London.

The King returned to London on Thursday, the 31st of October, and on the following day the letter

was shown to him by Lord Salisbury, and the circumstances of its delivery to Lord Mouteagle were related to him. According to the courtly version of the story in the history of the Gunpowder Plot, the penetration of the King, which is ascribed by Sir Edward Coke, in his speech on the trial of the conspirators, to a divine illumination, immediately discovered the whole scheme in the obscure language of the letter. His sagacity, it is said, instantly construed "the terrible blow to be received this Parliament" to be a blowing-up of the Parliament House with gunpowder; and the words, "the danger is past as soon as you have burnt this letter," which appeared to Lord Salisbury, and which must appear to every common understanding, mere nonsense, were at once understood by the English Solomon to refer to the "suddenness and quickness of the danger, which should be as quickly performed and at an end as that paper should be a blazing up in the fire." Unfortunately for the credit of this tale of royal discernment, Lord Salisbury, in his relation of the transaction to Sir Charles Cornwallis, the ambassador at the court of Spain*, and also in a narrative of the discovery of the plot, to be found at the State-Paper Office, declares that this interpretation of the letter had occurred to himself and the Lord Chamberlain, and had been communicated by them to several Lords of the Council, before the subject had been mentioned to the King. He also states, that on showing the letter to his majesty, the King concurred with them in thinking, that "that should be done which would prevent all danger, or nothing at all;" and therefore that till the night before the King went to the House, "nothing should be done to interrupt any purpose of theirs that had any such devilish practice, but rather to suffer them to go on to the end of the day." Accordingly, though the discovery of the nature of the

* Winwood's Memorials, vol. ii. p. 170.

plot is stated to have taken place a full week before, no search was undertaken at the cellar until Monday the 4th of November, the day before that on which the meeting of Parliament was to take place.

On Sunday, the 3d of November, the conspirators heard from the same individual who had first informed them of the letter to Lord Mounteagle, that the letter had been shown to the King, who made great account of it, but enjoined the strictest secrecy. This intelligence destroyed all their confidence, and troubled them exceedingly. They determined, however, to have another interview with Tresham, and an appointment was made by Thomas Winter to meet him in Lincoln's Inn Walks on the same evening. Tresham spoke like a frantic man; he said that to his certain knowledge the whole plot was discovered, and that they were all lost men, unless they saved themselves by instant flight*. This conduct and language on the part of Tresham, being reported by Winter to the confederates, convinced them that he was in communication with Lord Mounteagle, and perhaps with the Government; but under an unaccountable infatuation that Tresham might be deceived respecting the extent of the knowledge possessed by the Government, or was interested in deceiving them as to the discovery of the cellar, they resolved, at the urgent suggestion of Percy, to await the event of the following day. It was settled, however, that Catesby and John Wright should at all events leave London on the following afternoon, and join Sir Everard Digby at Dunchurch; Percy and Thomas Winter concealed themselves in an obscure lodging, and all held themselves ready to start at a moment's notice. Fawkes alone, with that extraordinary courage which he had displayed throughout the transaction, took up his solitary station at the cellar.

* Greenway's MS

On the Monday afternoon, the Lord Chamberlain, whose duty it was to see that all the arrangements for the meeting of Parliament were complete, went to the Parliament House, accompanied by Lord Mouteagle, who, it was said, expressed a desire to be present at the search. They first went into the Parliament Chamber, and remained there a considerable time; and then, for the alleged purpose of looking for some stuff of the King's, they visited the vaults and cellars under the house. They remarked the great store of coals and wood there, and perceived Fawkes standing in a corner. The Lord Chamberlain, with affected carelessness, inquired to whom this unusually large provision of fuel belonged, and being informed that the cellar and its contents belonged to Percy, and that he had rented it for about a year and a half, retired without making any more particular search, to report his observations to the King. On their way, Lord Mouteagle expressed his fears and suspicions on the ground, that though he was an intimate friend of Percy, and had lived with him for many years on terms of familiarity, he had not the least notion that he ever inhabited this house. Upon hearing the statement of the Lord Chamberlain, who declared the store of coals and wood to be beyond all proportion to the wants of a person who dwelt so little in the house as Percy, and that the man in the cellar looked like "a very tall and desperate fellow," it was determined by the King, with the concurrence of several of the Privy Council, that the cellar should that night be minutely searched. In order, however, not to excite premature alarm, they employed Sir Thomas Knevet, a magistrate in Westminster (who had been a gentleman of the Privy Chamber in the late Queen's time*, and still held the same office), to superintend a complete search of all the houses and cellars in the

* See Criminal Trials, vol. i. p. 354.

neighbourhood, under pretence of looking for some stuff and hangings in the keeping of Whineard, the keeper of the King's wardrobe, which had been missing ever since the death of the late Queen *

Meanwhile, the visit of Lord Mouteagle to the cellar, and the inquiry of the Lord Chamberlain respecting the wood and coals, had been quite sufficient to alarm the vigilance of Fawkes. He went out to inform Percy of what had happened, but returned himself to his dangerous post; fully determined, as he afterwards declared, to have blown up the house on the first appearance of danger, and so to have perished together with those who might come to apprehend him.

Shortly before midnight, on the eve of the celebrated 5th of November, Sir Thomas Knevet, accompanied by a sufficient number of assistants, repaired secretly and suddenly to the house. At the moment of their arrival, Fawkes was stepping out of the door, dressed and booted, having, as he afterwards said, just then ended his work. He was stayed, and Sir Thomas Knevet proceeded to examine the cellar, where he found thirty-six barrels of powder under the billets, in casks and hogsheads. Upon this discovery, Fawkes was seized and bound hand and foot; a watch, together with slow matches and touchwood, were found upon his person, and a dark lantern †, with a light in it, was discovered in a corner behind the door of the cellar. He at once avowed his purpose to Sir Thomas Knevet, and declared that "if he had happened to be within the

* Lord Salisbury's Letter to Sir C. Cornwallis.

† An ancient lantern is shown at the Bodleian Library, which is said to be the identical lantern found in the cellar; it bears the following Latin inscription:—'Laterna illa ipsa quæ usus est, et cum quæ deprehensus Guido Faux in cryptâ subterraneâ ubi domo Parliamenti diffundæ operam dabat. Ex dono Rob^{ti}. Heywood nuper Academix Procuratoris, Ap. 4^o, 1641.'

house when he took him, he would not have failed to have blown him up, house and all*."

Having left a sufficient guard with the prisoner, Sir Thomas Knevet repaired to Whitehall to give notice of his success to the Earl of Salisbury. It was now about one o'clock in the morning. Such of the Council as slept at Whitehall were called, and the others who were in town summoned; and the doors and gates being secured, all assembled in the King's bedchamber. Fawkes was brought in and questioned. Undismayed by the suddenness of his apprehension, or by the circumstances of this nocturnal examination before the King and Council, this resolute fanatic behaved with a Roman firmness of nerve, which filled the minds of all who were present with astonishment, and his cool audacity naturally suggested a comparison with the conduct of Mutius Scævola when brought before King Porsenna. To the impatient and hurried questions which were put to him with some violence and passion, he answered calmly and firmly. He said that "his name was John Johnson, and that he was a servant of Thomas Percy:" he further declared "that when the King had come to the Parliament House that day, and the Upper House had been sitting, he meant to have fired the match, and fled for his own safety before the powder had taken fire; and that if he had not been apprehended that night, he had blown up the Upper House, when the King, Lords, Bishops, and others had been there." Being asked if his purpose had taken effect, what would have been done with the Queen's Majesty and her royal issue, he replied, that "if they had been there he could not have helped them." Being further asked who were party or privy to this conspiracy, he answered that

* History of the Gunpowder Plot.

“ he could not resolve to accuse any*.” Being asked by the King how he could conspire against his children and so many innocent souls, he answered, “ Dangerous diseases require a desperate remedy ;” and when questioned as to his intentions by some of the Scotch courtiers, he told them that “ one of his objects was to blow them back into Scotland †.” After a great part of the night had been spent in examination, Fawkes was sent with a guard to the Tower ; where for the present we leave him, in order to trace the fortunes of his companions.

Immediately after Fawkes had given notice of the visit of the Lord Chamberlain and Lord Mounteagle to the cellar, Catesby and John Wright fled : Percy and Christopher Wright waited till they ascertained that Fawkes was seized, and then left London ; but Rookwood and Keyes, who dwelt in the same lodging, and whose persons were not known in London, determined to remain till they received more conclusive intelligence. On going abroad the next morning they perceived amazement and terror in the countenances of all they met ; the news of Fawkes’s apprehension, and exaggerated rumours of a frightful plot discovered, were spread in every direction ; guards of soldiers were placed not only at the palace gates, but at all the streets and avenues in the neighbourhood, and no person was allowed to pass. Upon this, being convinced that all was known, they also determined to fly. Keyes went away from London immediately ; but Rookwood, who had placed relays or horses all the way to Dunchurch, lingered to the last moment, in order that he might be able to convey to his confederates in Warwickshire the latest intelli-

* John Johnson’s Examination, 5th November, 1605.—State-Paper Office.

† MS. Letter of Sir Edward Hoby to Sir Thomas Edmondcs.

gence of what had taken place in London. At eleven o'clock in the forenoon he also took horse and rode hastily away. About three miles beyond Highgate he came up with Keyes, in whose company he rode on for some distance. It does not distinctly appear what became of Keyes from this time until he was apprehended in Warwickshire several days afterwards. It is clear that he parted from Rookwood in Bedfordshire, and it may therefore be fairly conjectured that he went to Lord Mordaunt's house at Turvey, where his wife resided. Rookwood rode on to Brickhill, near which place he overtook first Catesby and John Wright, and shortly afterwards Percy and Christopher Wright; and from thence all five rode together with the utmost speed to Ashby St. Legers, in Northamptonshire. The astonishing rapidity with which they travelled appears from the fact that Rookwood left London at about eleven o'clock in the forenoon and reached Ashby at six in the evening of the same day, a distance of nearly eighty miles. He says himself that "he rode thirty miles of one horse in two hours," and that "Percy and John Wright cast off their cloaks and threw them into the hedge to ride the more speedily*."

It will be remembered that it was part of the original plan that Sir Everard Digby should collect at Dunchurch, under the pretence of a great chase on Dunsmore Heath, a party of gentlemen friendly to the Catholic cause, and this place was to be the general rendezvous of the conspirators, on Tuesday night, the 5th of November, after the blow was struck in London. With a view to this arrangement, Sir Everard Digby, on the 29th of October, removed Lady Digby and his family, and with them Father Garnet, from his own house at Goathurst, to Coughton Hall, near

* Rookwood's Examination, 2d December, 1605.—State-Paper Office. See *post*, p. 159.

Alcester, in Warwickshire, which then belonged to Mr. Thomas Throckmorton*. Sir Everard himself rode from Coughton to Dunchurch, on Sunday the 3d of November; and on the same day Robert Winter, having given notice to the two Littletons, according to the agreement with Catesby, left his house at Huddington, and sleeping on the Sunday night at Grafton, the residence of his father-in-law John Talbot, rode the next day in company with the younger Acton, of Ribbesford, and attended by several retainers and servants, to Coventry, where he was met by Humphrey and Stephen Littleton. On the following day, Tuesday the 5th of November, they proceeded towards Dunchurch, their company and attendants (all of whom were more or less armed) constantly increasing by the way. At Dunchurch, Winter left the Littletons at the "town's end," and rode himself, with Acton and several others, to the residence of Lady Catesby, at Ashby St. Legers, to which place it was expected that Catesby would come, on his way from London to the rendezvous. About six o'clock in the evening, just as Winter and his companions were about to sit down to supper with the lady of the mansion, Catesby, Percy, the two Wrights, and Rookwood, fatigued and covered with dirt, arrived with the news of the apprehension of Fawkes, and the total overthrow of the main design of the plot. After a short conference upon the course to be adopted in this emergency, the whole party, taking with them all the arms they could find, rode off to Dunchurch. There they found the house filled with a large party of anxious and excited guests; for though only a few were informed of the specific nature of the intended action, all were aware that some great and decisive blow was about to be

* Wm. Andrews's Examination at Leicester, 8th November, 1605.—State-Paper Office.

struck in London for the Catholic cause, the intelligence of which they were that night to receive. On the arrival of the party from London, their jaded appearance, their dejected looks, and their gloomy conferences with Sir Everard Digby and the other sworn confederates, plainly told the tale of disappointed treason. Sir Robert Digby of Coleshill, an uncle of Sir Everard, immediately departed with one of his sons; Humphrey Littleton and many others followed; and the company rapidly melted away, till at last few remained, except those whose names were enrolled and registered as full accomplices in the whole plot, and who, as they had every reason to fear, were already known to the Government by the disclosure of Fawkes*.

In the midst of these discouraging appearances, one ground of hope occurred to the mind of Catesby, and upon that, after a short consultation, the conspirators resolved to rely. The Catholics in Wales, and the counties bordering upon the principality, who were a numerous and powerful body, were known to be in the highest degree discontented with the present Government; it was proposed, therefore, that with as large a force of their own retainers and servants as they could raise, they should traverse the counties of Warwick, Worcester, and Stafford into Wales, exciting the Catholic gentry as they went along to join them; and thus having once established themselves in considerable force, they hoped their proceedings might be the signal for a general insurrection of the Catholics of England. It was necessary, however, to be prompt in their measures; and accordingly they departed from Dun-

* These particulars are taken partly from Robert Winter's letter to the Lords of the Council, on the 21st January, 1605-6 (see *post*, p. 143), and partly from the examinations of a great variety of witnesses taken in the country, and remaining in the State-Paper Office.

church before ten o'clock the same night, for the house of John Grant at Norbrook. On their way thither, they broke open the stable of a breaker of cavalry horses at Warwick in the middle of the night, and took from thence nine or ten horses, leaving their own tired horses in their places*. From Norbrook, Catesby's servant, Bates, was despatched to Coughton, which was distant only about ten miles, with a letter from Sir Everard Digby to Father Garnet, containing the account of their failure, and informing him of their present design. This circumstance afterwards formed a material part of the evidence in proof of Garnet's privity to the design of the conspirators. At Norbrook the party only halted an hour or two for the purpose of further arming themselves and refreshing their horses, and immediately proceeded through Alcester on their way to the house of Robert Winter at Huddington, where they arrived about two o'clock in the afternoon of Wednesday, the 6th of November. Here they were joined by Thomas Winter, who had left London the day before, and Father Greenway, the Jesuit, who was with Garnet at Coughton when Bates delivered the letter, also repaired to them at Huddington, and had a long conference with Catesby and Percy. From Huddington, Thomas Winter and Stephen Littleton, by the general consent of the party, were despatched to Mr. Talbot of Grafton, to invite him to join with them; but the old gentleman received them roughly, refused to admit them into his house, and dismissed them with threats and reproaches. At sun-rise the next morning, Thursday the 7th of November, the

* Rookwood says, in his examination of the 2d December, 1605, that "before they came to Warwick, he left them and rode before to Mr. Grant's house; and seeing he was so well horsed as he was (he having fifteen or sixteen good horses), he meant not to adventure himself in stealing of any."

whole company proceeded to Whewell Grange, a seat of Lord Windsor's, where they seized a large store of arms and armour, and went on the same night to a house belonging to Stephen Littleton called Holbeach, about two miles from Stourbridge, on the borders of Staffordshire.

By this time the enthusiasm of most of the members of this desperate expedition had grown cold. They had traversed a distance of about sixty miles in two days, over bad and broken roads, in rainy and inclement weather. Their numbers, which at no time exceeded one hundred men, were now reduced to sixty by frequent desertions; which circumstance obliged the gentlemen to watch by turns night and day, with loaded pistols, and a determination to shoot any man who attempted to steal from his quarters. Notwithstanding all their endeavours to check it, however, it is clear from the numerous examinations of stragglers taken during the march, that the desertion hourly continued. The hopes they originally entertained of accessions to their numbers had hitherto wholly failed: "Not one man," says Sir Everard Digby*, "came to take our part, though we had expected so many." The Catholic gentry drove them from their doors, reproaching them with having brought ruin and disgrace on the Catholic cause by their ill-advised enterprise; while the common people stood and gazed upon their irregular train as they passed through the towns and villages, and evinced any thing but a disposition to join them. It is related in some of the examinations that while they were ransacking Lord Windsor's house for arms, some twenty or thirty of the country people, attracted by curiosity, came round them. Catesby asked them, "whether they would go along with them?" One of

* Digby's Examination, 2d December, 1605.—State-Paper Office.

the countrymen answered that, "if they knew what they meant to do, it might be they would." Catesby said, "We are for God and the country." Whereupon the countryman placed his back against the wall, and set up his staff before him, saying that, "they were for King James as well as for God and the country, and would not go against him." And upon this all the countrymen left the place*.

The presence of Sir Richard Walsh, the Sheriff of Worcestershire, who had closely pursued them the whole of Thursday, with many gentlemen of the country, and the *posse comitatus*, added not a little to their uneasiness and distress. At Holbeach they resolved to make a stand against their pursuers, who, though more numerous than themselves, were by no means so well armed and mounted; and accordingly they spent a great part of Thursday night in preparing the house for an assault. Early the following morning Stephen Littleton secretly escaped from Holbeach. Sir Everard Digby also here forsook the enterprise, intending, as he says, to have hastened some succours which were expected from other Catholics; he was overtaken near Dudley by the hue and cry, and being immediately recognized and charged to yield in the King's name, surrendered himself and was conveyed to London.

Soon after the departure of Littleton and Sir E. Digby, an accident happened which had nearly proved fatal to several of the principal conspirators. A quantity of powder, which had been carried in an open cart from Lord Windsor's the day before, had been wetted in passing through a ford of the Stour, which was much swelled by the heavy rain; Catesby, Rookwood, and John Grant were occupied in drying it upon a platter over a large fire, when a coal falling

* Thomas Maunder's Examination, November, 1605; Ellis's Examination, 21st November, 1605.—State-Paper Office.

amongst it, the whole blew up with a tremendous explosion. A remarkable circumstance relating to this accident, was mentioned by Sir Edward Coke in his speech on the first trial. The platter upon which the powder was drying was laid near a large linen bag full of gunpowder, which was carried out through the roof by the explosion without being ignited, and was afterwards taken up whole in the court-yard. The quantity of powder in the bag was sufficient, had it taken fire, to have burst the house asunder, and to have destroyed every individual within it. As it was, those of the party who were nearest to the powder were severely burned; and Catesby and several others were at first supposed to be killed; upon which the elder Wright, running up to Catesby, clasped him round the body, exclaiming, "Woe worth the time that we have seen this day!" and called for the rest of the powder that he might set fire to it and blow up themselves and the house together*. Superstition mixed its horrors with the general amazement and consternation produced by this accident. It seemed to some of those wretched men to be a judgment from Heaven, that they should perish by the very means they had provided for the destruction of so many of their fellow-creatures; Catesby himself lost his firmness, and expressed his fears that God disapproved of their project †; and Rookwood and others, "perceiving God to be against them, all prayed before the picture of our Lady, and confessed that the act was so bloody as they desired God to forgive them ‡." Robert Winter, who from the be-

* Thomas Bates's Confession, 4th December, 1605.—State-Paper Office.

† Stephen Littleton's Examination, 17th January, 1605-6.—State-Paper Office.

‡ Rookwood's Examination (without date).—State-Paper Office.

gining had shown a faint heart in the enterprise, was now fully determined to forsake it. On the night before the intended meeting of Parliament, his imagination being excited by constantly dwelling upon the horrible catastrophe which was in preparation, displayed to him in a dream several faces strangely blackened and disfigured, and he imagined that he could recognize in the swoln and distorted features of Catesby and his companions after the explosion, the same ghastly visages which, since his dream, had continually haunted his memory*. He went away the same morning soon after the accident, and joined Stephen Littleton in a wood about a mile from Holbeach. Thomas Bates, Catesby's servant, also escaped from Holbeach the same morning; he was arrested a few days afterwards in Staffordshire, and, being sent to London, became by the disclosures he made the most material witness against Father Garnet and Father Greenway

About the middle of the day Sir Richard Walsh arrived at Holbeach, and, surrounding the house with his company, summoned the rebels in the King's name to lay down their arms and surrender. Upon their refusal to comply with this requisition, the Sheriff ordered a part of the house to be set on fire, and an assault to be made on the gates of the court-yard. In crossing the court Thomas Winter was shot through the arm by a cross-bow arrow and disabled; upon which Catesby, who was standing at one of the doors, called to him, "Stand by me, Tom, and we will die together;" the two next shots mortally wounded both the Wrights †; after which Catesby and Percy,

* Fawkes's Examination, 26th January, 1605-6. See *post*, p. 168.—State-Paper Office.

† Thos. Winter's Confession in the History of the Gunpowder Plot.

who were standing back to back, were both shot through the body with two bullets from one musket*. Catesby, feeling himself mortally wounded, crawled into the house upon his hands and knees, and, seizing an image of the Virgin which stood in the vestibule, clasped it in his arms and expired†. Percy was taken prisoner, but died of his wounds the next day. Rookwood, who had been severely hurt by the powder in the morning, was shot through the right arm by a musket, and wounded in the body by a pike. At last the assailants rushing into the courtyard soon overpowered the feeble resistance opposed to them, and made prisoners of the whole party.

The following letter ‡ from Sir Richard Walsh, reporting to the Lords of the Council the termination of the rebellion, contains the official narrative of the proceedings, which we have above related in detail.

‘ After our humble duties remembered, we think
 ‘ fit with all speed to certify your honours of the
 ‘ happy success it hath pleased God to give us against
 ‘ the rebellious assembly in these parts. After such
 ‘ time as they had taken the horses at Warwick upon
 ‘ Tuesday night last, they came to Mr. Robert Win-
 ‘ ter’s house, at Huddington, upon Wednesday night;
 ‘ where, having entered, they armed themselves at all
 ‘ points in open rebellion. They passed from thence
 ‘ on Thursday morning into Hewell (Whewell), the
 ‘ Lord Windsor’s house, which they entered, and
 ‘ took with them by force great store of armour and

* This shot was fired by one of the Sheriff’s men, named John Streete, who received a pension of two shillings a day from the King for this service. There is a warrant at the State-Paper Office for the payment of the arrears of this pension, in the third year of the reign of Charles I., which is described to be “for that extraordinary service performed in killing those two traitors, Pierce and Catesbie with two bullets at one shott out of his muskett.”

† Greenway’s MS.

‡ State-Paper Office.

artillery from the Lord Windsor's ; and passed that night into the county of Stafford, unto the house of one Stephen Littleton, gentleman, called Holbache, about two miles distant from Stourbridge, whither we pursued, with the assistance of Sir John Folliott, knight, Francis Ketelbye, esquire, Humphrey Salway, gentleman, Edmund Walsh and Francis Conyers, gentlemen, with few other gentlemen, and the power and force of the county. We made against them on Thursday morning, and freshly pursued them until the next day. At which time, about twelve or one of the clock in the afternoon, we overtook them at the said Holbache house (the greatest part of their retinue and some of the better sort being dispersed and fled before our coming). Whereupon, and after often summons and warning first given, and proclamation in his highness's name to yield and submit themselves (who refusing the same), we fired some part of the house, and assaulted some part of the rebellious persons left in the said house. In which assault one Mr. Robert Catesby is slain, and three others verily thought wounded to death, whose names (as far as I can learn) are Thomas Percy, gentleman, John Wright and Christopher Wright, gentlemen. And there are apprehended and taken Thomas Winter, gentleman, John Grant, gentleman, Henry Morgau, gentleman, Ambrose Rookwood, gentleman, Thomas Ocklie, carpenter, Edmund Townsend, servant to the said John Grant, Nicholas Pelborrow, servant to the said Ambrose Rookwood, Edward Ockly, carpenter, Richard Trewman, servant to the said Robert Winter, Richard Day, servant to the said Stephen Littleton ; which said prisoners are in safe custody here, and so shall remain until your honours' good pleasures be further known. The rest of that rebellious assembly so dispersed we have

‘ caused to be followed with fresh suit, and hope for
 ‘ their speedy apprehension. We have also thought
 ‘ fit to send unto your honours (according to our
 ‘ duties) such letters as we have found about the
 ‘ parties apprehended. And so resting in all duty
 ‘ to your honours’ further command, we take leave
 ‘ from Stourbridge this Saturday morning, being the
 ‘ 9th of this instant November, 1605

‘ Your honours most humble to command,
 RICHARD WALSH.’

Keyes was arrested on the same day in Warwickshire; he had not accompanied the rebels on their march from Dunchurch to Holbeach, but was probably on his way to join them when he was apprehended. In what manner he had been employed, after he parted from Rookwood on the 5th of November, is uncertain. He was immediately sent to Sir Richard Walsh, and was soon afterwards conveyed to London, with the survivors of those who had been engaged at Holbeach.

It has already been stated that Robert Winter and Stephen Littleton escaped from Holbeach on the morning of the accident with gunpowder, and before the assault upon the house by Sir Richard Walsh. The particular adventures of these two ill-fated fugitives, who contrived for upwards of two months to elude the vigilant search which was instituted for them, by wandering up and down the country in disguise, are related in a most interesting contemporary narrative*, some extracts from which may be ac-

* “ A true historical Declaration of the Flight and Escape of Robert Winter, Esquier, and Stephen Littleton, Gent., when the rest of the traytours were apprehended; the strange manner of their living in concealment so long time; how they shifted to several places, and in the end were descryed and taken at Hagley, being the house of Mrs. Littleton.”—Harleian MSS., No. 360.

ceptable to the reader. It appears that, being provided with abundance of money on their first escape, they bribed a farmer, near Rowley Regis, in Staffordshire, a tenant of Humphrey Littleton, who, though he had left the party at Dunchurch, was a concealed friend of the conspirators, to secrete them in his barn. "Here," says the narrative, "they abode a great while, but with very poor and slender fare, such as otherwise had been too coarse and out of fashion for them;" but suspicion being raised in the country by the incautious conduct of the farmer, they were compelled to quit this asylum; and, after concealing themselves at several farm-houses, which they left respectively as they received intimation from Humphrey Littleton that they were no longer safe there, they came on new year's day, according to the narrative, "in the morning very early to one Perkes's house in Hagley; where, knocking at his door at such an early hour, so long before day, he came forth to them; and, requesting further knowledge of them, they said they were his friends, and requested kindness of him. He, knowing who they were, and finding them to be very faint and weak, they desired him to help them to some sustenance, and when they should be able to travel he should bring them up to London, and have a great reward of the King for taking them, because they were very willing to die and no longer desired to live in a condition so miserable. If these (as himself confessed) were their own words unto him, what needed he then any colourable cunning in performing no more out what themselves required, and he by revealing them both to have discharged his duty and gained no mean recompense beside of his sacred Majesty? But thirty pounds to himself, twenty to his man, and seventeen to his maid made them forget the former speeches, if any such were used; and bringing them to a bar-

ley mow in his barn, a place to be least suspected and securest for their safety, there were they harboured and relieved by them severally as occasion served, no eye as yet discerning the least imagination otherwise.

“This Perkes had been some time servant to Mrs. Littleton, being her warrener, and had been dismissed from her service through some unbecoming usage in himself. He, with a companion of his called Poynter, a bold, sturdy, and lusty youth, would divers times adventure to steal her conies and eat them in private, abroad at alehouses. Now after that Robert Winter and Stephen Littleton had continued for the space of nine days on the barley mow belonging to this Perkes, one while sustained by himself, then by his man, and otherwhiles by his maid, Perkes and Poynter, according to their former custom, having been at the warren to steal more conies upon the Friday before twelfth-day last, being both well tippled with drink, and returning home somewhat late, Poynter would have lodged that night in Perkes’s house; but he, not being willing thereto, shook him off by the way, and went home as well as he could to his own house. Poynter, being thus left abroad in the open field, the weather being wet and cold, and his wits scarcely in any good temper, bethinking himself of Perkes’s barn, but little imagining to meet with such company there, for that one night concluded to borrow a lodging there, not assured any where else to speed himself so well.

“In the dead time of night, when quiet sleep locks up the lids of all eyes, and no doubt did the same to Winter and Littleton, if men in such fears are capable of the honest mind’s commodity, comes Poynter to the barn, and climbing up upon the mow, with as much dread to himself as amazement to the others, he fell down into the made hole upon them. Their

perplexity in this strange adventure on the one side, and his no less on the other, meeting in such unexpected hap together, the black-faced night so countenancing the case that neither party knew how or which way to resolve themselves therein;—I leave both it and the circumstances thereto belonging to your more deliberate censure and conceit, as also the manner of their scuffling together, till either side was soundly resolved, which I think could not easily be performed till day-light and their usual attendants' coming did effect it.

“ Now, whether it had befallen him that night or at some other time of stealing conies before, I know not justly whether; but Poynter had received a wound in the leg, which with their rough handling when he was fallen down among them, and his own struggling to get from them, did pain and grieve him very sore. And albeit it proved very unsavoury to them, but much more to the prejudice of the youth himself, yet they held it no policy to part with Poynter, but (whether he would or no) kept him there with them, because he should tell no tales abroad of them. Four days he had remained there with them, familiar in society, and not outwardly appearing that he was willing to be rid of their company, but rather as if he desired to abide there still with them; albeit so soon as the least opportunity favoured him he purposed to be gone, and disclose their secret harbouring in that place, as also by whose means they were thus long relieved. In mean time he pretended great pain of his leg, desiring both the fellow and maid that brought them victuals to help him to some salve, or else he should die through mere extremity of his leg's anguish. They brought him salves, and he getting up upon the top of the mow to dress his leg as before he had done, creeping still more and more towards the light, dissembling he could not well see how to

apply his salves to the sore ; at last he slipped down quite off of the mow, and before they could come to lay hold upon him, he was got out of the barn and ran clear with all the haste he could make ; nor durst they adventure to follow forth after him or send the servants to pursue him, but building upon his acquaintance with Perkes, who was his especial familiar friend, as also purposing that Perkes himself should further deal with him by corruption, to let them no way be discovered, they continued in their former hope that no danger there would as yet befall them.

“ In this place I am to let you understand, that upon Sir Everard Digby’s flight, pursuit, and apprehension, his horses straying up and down in the lordship belonging to Mrs. Littleton, she, as any in the like case would have done, made seizure of them, as belonging in that kind of right to her, according as in such cases it is an usual custom. And least therein she might be any way mistaken, the cause being so important and dangerous, and as clear from her as from innocence itself, she had concluded, and accordingly prepared, to ride up to London, obediently to answer whatsoever should be objected. Now it fell so out that this day of Poynter’s escape from the barn was the very day of her setting forth upon her journey ; having, like a discreet gentlewoman, given order to Master Hazlewood her steward, and other servants of her house, to be very circumspect of all occasions in her absence, in regard of the preceding mischances which had there happened in the country.

“ Master Humphrey Littleton taking advantage of his sister’s absence, and understanding that Poynter had that day broken away from the barn, doubtless with an intent to betray them, handled the matter in such sort that about eleven of the clock in the night time he had conveyed Master Robert

Winter and Stephen Littleton into Hagley house, not making any one of his counsel but one John Fynes *, who had been boy to Humphrey Littleton, brought up by him, and afterwards (by him) preferred to Mrs. Littleton's service.

“ Here if it may please you to call to mind the long time of their close keeping in several places, their hard bedding and diet, their want of raiment for shifting, having in all this while never so much as put off their clothes, but being hourly in fear, they were void of all means otherwise to help them. And being thus helped to a more seemly place, where they should taste of such relief as the time could afford, it is not to be thought but that they made very glad and good acceptance thereof, as any men in like distress doubtless would have done. They being above in Master Humphrey's chamber, Robert Winter taking the cook by the hand said, ‘ Ah, Jack, little thinketh thy mistress what guests are now in her house, that in so long a space did never so much as look upon a fire !’ Mr. Humphrey gave them hearty welcome, assuring them of the cook's faithful service, and commanding him, because it was very late, to kill some hen or chickens about the house to serve and fit the present occasion, withall promising to recompense it with better provision afterwards.

“ Full nimbly now did the cook bestir himself, and if at any time he ever declared quick despatch he did now perform it in a much higher degree; and bringing the meat up into the chamber before it was (in a manner) half expected, they did not a little commend his readiness, and wanting drink, knew not well how tosted themselves, because the butler was in bed,

This man's name was Fynwood; and in Rymer's *Foedera*, vol. xvi. p. 640, is published the grant of an annuity to him of forty marks for his life, in consideration of his services on this occasion

and calling so late to him for the key might perhaps prove suspicious. Wherefore the cook gave this advice: that his mother selling drink in the town, he would forthwith step thither and fetch some. Honest Jack Cook is no way distrusted, but the counsel allowed to be good, and he making haste to his mother for drink, tells her in secrecy that Master Robert Winter and Master Stephen Littleton, the traitors that were sought for by the King's proclamation, by the means of Master Humphrey Littleton's bringing them thither, were at that instant entertained by him in Hagley house; and therefore prayed her in the morning to raise the town to take them, least he should not unsuspected get forth again himself to do it.

“Returning back with the drink, and using no suspicious countenance towards them, having made a sudden conclusion of so short a supper, and going all three to one bed, they committed their safe keeping for that night to undoubted John Cook, who, keeping the key of the chamber, was now better armed for betraying them than he had been before. The cook, not willing to disturb the whole house, having them now so sure in his own custody, and the morning hastening on apace, he went to Mr. Hazlewood, the steward, and told him of their being above in the chamber, declaring what he had also said to his mother, who he thought would early raise the town and other villages near adjoining. But Poynter, of whom we spake before, conceiving that they were still hid in the barn belonging to Perkes, he raised a great number to make search there also, while those other pursued the game more surely where it was indeed; and so good diligence was each way used.

“In the morning when the cook came up to them again, finding them making themselves ready, and

looking out at the window, because they heard some noise about the house, they doubted nothing less than their discovery, such was the credit they reposed in the cook's fidelity. And afterwards, when Master Humphrey himself was come down into the hall, being demanded by the officers for such men whom he had then with him in the house, he stoutly made denial of them, as thinking to outface them with his power and presence. And calling to the butler for a toast, to make the townsmen think the slightlier of the matter, gave the toast to the cook to go make it, willing the butler (for their better assurance in the case) to go up into his chamber for his cup, who did so, and found no such persons to be there, because he had then elsewhere bestowed them.

“The butler returning down from the chamber, and the search growing more busily about the house, as Master Hazlewood had given direction, whom the cook still acquainted with every business, Master Humphrey coming in great haste to the butler, desired that he would help him to the key of the back door in the cellar, and as ever he would do any thing for him, to stick now unto him, and help to save his life. The butler told him that he had not the key, for the brewer had the keeping thereof, and he then receiving it of the brewer, sending him away, nobody abiding with him but the butler, he went and opened his chamber door again, and then (wheresoever they had been hidden by him before) came down Master Robert Winter and Master Stephen Littleton. They crossing the hall, and entering into the buttery, the butler presently slipped away from them and informed the townsmen which way they had taken. They following soon after them, and others being ready without to surprise them, they were forced to return back round about the house again, and in the stable-yard they were apprehended.” They were immediately

sent to London and committed to the Tower, where their confederates had already been confined for upwards of two months.

It has been above stated, that for some weeks before the discovery of the plot, Tresham had taken no part in the consultations of the conspirators, and we have also suggested the reasons which appear to designate him as the person by whom the discovery was made. As there is great reason to suppose that he was intimately connected with the state machinery in which the discovery of this conspiracy was involved, it will be proper to exhibit fully to the reader his subsequent conduct, and to relate, with some minuteness, the circumstances which preceded and attended his suspicious death in the Tower.

Upon the apprehension of Fawkes, Tresham remained in his usual place of abode at London, showed himself openly in the streets, and even went to the Council and tendered his active services to suppress and apprehend the rebels*. It is quite clear from an examination of Fawkes, taken on the 7th of November, that, by some means or other, the Government at that time knew that Tresham was involved in the conspiracy, for his name is directly suggested by the examiners to Fawkes, together with those of Catesby, Rookwood, Grant, and the two Wrights; yet it is remarkable that though a proclamation is issued on that very day † against the others, Tresham's name is not mentioned in it. On the 9th of November, Fawkes expressly mentions him as being privy to the plot; still he was suffered to remain at large, and he was not arrested and taken before the Council for examination until the 12th of November. In his first statement before the Commissioners Tresham

* Stow's Chronicle, p. 880; Sir E. Hoby's Letter to Sir Thomas Edmondes.

† See Rymer's Fœd. vol. xvi.

admitted that he had seen and conversed with both Catesby and Thomas Winter a few days only before the 5th of November, but declined to state the subject of their conversation; and upon his "being told that he stood accused by principal actors in this treason, and therefore that it behoved him to speak clearly," he answers enigmatically, that he "wished their lordships all knew what he had said or done in the business so as he might not be the teller of it*." On the following day he sends a long and laboured declaration†, in writing, to the Council, of the contents of which the following is a summary:—he states, "that he was informed of the plot by Catesby about the 15th of October preceding; that he discouraged it in the strongest terms, and finding that he could not induce him to abandon it totally, he urged Catesby at least to defer the execution of it till the end of the session of Parliament, and in the mean time to secure himself and his companions by passing over to the Low Countries; that he told Catesby that if he wanted means for his expenses in the interval, he should spend what he would upon his purse; that Catesby seemed impressed by his arguments, but said he could not finally determine upon any alteration of the scheme without the consent of Percy, who was absent in the north; that upon this they parted, agreeing to meet again at Barnet in about a fortnight, and in the mean time that Percy's consent to the postponement of their project should be obtained, and preparations made for departing to the Netherlands." He then says, "that he afterwards met Catesby at Barnet, but that as Percy had not yet come to town, nothing could then be absolutely set-

* Examination of Francis Tresham, 12th November, 1605.—State-Paper Office.

† Declaration of Francis Tresham, 13th November.—State-Paper Office.

Tresham's account of the Gunpowder Plot
But does not mention the making of
letters to Lord Deun. Zagk, 99
GUNPOWDER PLOT.

ted, though Catesby declared that Percy would be in London that night, and that he had determined to go away the following day if Percy agreed to it; that upon Tresham's again offering him the use of his purse, Catesby said that if he went to Flanders he would send Thomas Winter to him for £100; that the next day Thomas Winter came to him in Lincoln's Inn for the money, which he gave him, and was assured by him that it was settled between Catesby and himself, that they should depart immediately, and that the master of the ship, who had just been with him, had all things in readiness for the purpose, and had appointed the creek where they were to embark." "After this time," says Tresham, "I never heard more of them, until the news ran over the town upon Tuesday, when, upon the salvation of my soul, I did think they had been beyond sea, and listened after their safe arrival, intending then to have taken a course to have given the state advertisement thereof by some unknown means. This was the only way I could resolve on to overthrow the action, to save their lives, and to preserve my own fortunes, life, and reputation; and in this I saw no great difficulty, for they had all nothing left here which a ship could not carry, and they had only made themselves means to live until the first day of the Parliament; and if they had not been overthrown by this course, their debts and wants would have driven them out of the kingdom. Thus neither my hand, purse, or head was either in the acting or contriving of this plot; but being lately and unexpectedly fallen into it, I sought, by all the arguments I could, to dissuade it: the silence I used was only to deliver myself from that infamous brand of an accuser, and to save Catesby's life, which in all true rules I was bound to do."

This artful declaration is dated the 13th of No-

vember; on the 15th he was committed to the Tower, and it does not appear that he was examined again until the 29th of November. In the mean time the conspirators who had been taken at Holbeach had arrived in town, and from their statements, and especially from that of Thomas Winter, a much clearer light was thrown upon the details of the transaction. Winter in particular mentioned a treasonable correspondence on the part of Lord Mounteagle, Catesby, Tresham, Father Greenway, and himself, with the King of Spain, about a year before the death of Elizabeth; the Government suspected, or might perhaps be informed by Mounteagle, that to this correspondence Father Garnet, as well as Father Greenway, was both privy and party. Finding, however, that the fact could not be extracted from Winter, who firmly denied it, the Commissioners determined to have recourse to Tresham, who, upon much pressure by those who examined him, and after much prevarication on his own part, confessed "that Greenway and Garnet, as well as Lord Mounteagle and Catesby, were acquainted with the fact and the purpose of that mission*." It was probably with a view to proceedings in Parliament, that the Commissioners exhibited such extreme anxiety to obtain an acknowledgment that the two Jesuits were concerned in this treasonable correspondence against Queen Elizabeth. It is, at all events, quite obvious, that this admission was not only considered by the Government as one of deep and vital importance, but also by Tresham himself, who evidently made it with great reluctance, and who afterwards solemnly retracted it as to Garnet, with his dying breath.

Soon after his imprisonment this miserable man was attacked by a dangerous and painful disease,

* This is the examination in the original of which the erasure of Lord Mounteagle's name appears. See *ante*, p. 67, (note).

which had reduced him to the extremity of weakness, and rendered it necessary that his wife and a confidential servant should constantly attend him. He died in the Tower on the 23d of December, and his death is thus announced by Sir William Waad, the Lieutenant, to the Earl of Salisbury:—‘As I certified your lordship there was no hope of recovery in Tresham, so it will please you to understand that he died this night, about two of the clock after midnight, with very great pain; for though his spirits were much spent, and his body dead, a-lay above two hours in departing. It may please your lordship, I may know his Majesty’s pleasure for the burying of him, both because it will not be possible to keep him, for he smelt exceedingly when I was with him yesterday in the afternoon, and I perceive means will be made to his Majesty to have his body begged, for I find his friends were marvellous confident, if he had escaped this sickness, and have given out words in this place that they feared not the course of justice. So expecting what direction I shall follow, I commit your lordship to God’s protection, this Monday, the 23d of December, 1605.

‘Humbly at the commandment of

‘Your honourable lordship,

‘W. G. WAAD.*’

A few days before his death Tresham dictated to his servant Vavasour, a statement retracting, in the most solemn manner, that part of his former confession which implicated Father Garnet in the mission of Winter to the King of Spain. This paper he afterwards signed with his own hand, calling Vavasour and a female servant to witness his signature; and two or three hours only before he died, he called for it again, and giving it to Mrs. Tresham, charged

* State-Paper Office.

her to "deliver it with her own hands to the Earl of Salisbury." In this paper* he declares that he made the statement respecting Garnet only "to avoid ill-usage," and then states, *upon his salvation*, that it was more than he knew that Garnet was privy to the sending of Thomas Winter into Spain; and in order to give a proof besides his oath, he added that he had not "seen Garnet for sixteen years before, nor never had letter nor message from him." There is no doubt that this dying declaration was wilfully false. Father Garnet, Mrs. Anne Vaux, and many witnesses, unanimously declare that Garnet had been with Tresham continually until within a few days before the discovery of the plot, not only at White Webbe's, at Erith, and in London, but also at his own house in Northamptonshire. Some time after her husband's death, and shortly before Garnet's trial, Mrs. Tresham sent the paper to Sir Walter Cope, inclosed in the following note:—

' Sir,—My husband, in his last sickness, commanded me to deliver this note inclosed unto my Lord of Salisbury: my sorrows are such that I am altogether unfit to come abroad, wherefore I would entreat you to deliver it yourself unto my lord that I may have my husband's desire fulfilled therein; wherein you shall much pleasure me to do it for me. So I end your friend,
ANN TRESHAM.'

This note, with its enclosure, being delivered to Lord Salisbury, Mrs. Tresham and Vavasour were examined, and both of them declared the facts as above related. The result of this examination may be given in the words of Sir Edward Coke, in his report of it to Lord Salisbury:—

' Right Honourable,—We have examined this morning William Vavasour, formerly examined by

* State-Paper Office.

‘ Sir William Waad, and Mrs. Tresham herself. Vava-
 ‘ sour hath directly retracted his confession, in that he
 ‘ formerly said that the note was of Mrs. Tresham’s
 ‘ hand-writing, but now confeseth that he wrote it
 ‘ *ex dictamine* of his master; and therewith agreeth
 ‘ Mrs. Tresham. This note is agreed by them both
 ‘ to be written a day before his death, and he dying
 ‘ on the 23d day of December, about two o’clock in
 ‘ the morning, in that night he delivered the note to
 ‘ his wife to be delivered to your lordship; and
 ‘ both agree that he caused it to be written of his own
 ‘ motion, without the persuasion of any.

‘ This is the fruit of equivocation (the book*
 ‘ whereof was found in Tresham’s desk)—to affirm
 ‘ manifest falsehoods upon his salvation, *in ipso*
 ‘ *articulo mortis*. It is true that no man may judge
 ‘ in this case, for *inter pontem et fontem*, he might
 ‘ find grace; but it is the most fearful example that
 ‘ I ever knew to be made so evident as now this is.
 ‘ And so I humbly take my leave, and ever remain
 ‘ your lordship’s most bounden,

‘ 24th March, 1605.

EDWARD COKE.’

It is common with Catholic writers to ascribe the death of Tresham to violence or poison. There is no evidence in support of this imputation, and the circumstance of his wife and servant being constantly with him in the Tower, seems to furnish a strong argument against its truth. Supposing Tresham to be aware of some state secret respecting the discovery

* This was a book which was afterwards the subject of much controversy. It was originally entitled ‘A Treatise of Equivocation;’ but in the copy found in Tresham’s desk when he was first apprehended, the title was altered in Garnet’s hand-writing, and it was called ‘A Treatise against Lying and fraudulent Dissimulation.’ It was written and published anonymously at the end of Queen Elizabeth’s reign, and is now rarely to be met with. In Dodd’s Church History, vol. ii. p. 381, this book is suggested to have been written by Francis Tresham.

of the plot, it would no doubt be important to the Government to avoid his public trial ; but this motive seems altogether insufficient to account for such an act of villany. The desire of concealing the body manifested in the letter from Sir Wm. Wood, announcing his death to Lord Salisbury, might indeed raise a shade of suspicion ; but this is, in great measure, dispelled by attending to the other facts of the transaction. There can be no doubt, however, that, for some reason or other which it is now perhaps impossible to discover, the precise facts respecting Tresham's connection with this plot and its discovery were carefully wrapped in mystery by the Government. In the original indictment, as it appears upon the record of the proceedings, Tresham is charged throughout as an original conspirator—as working in the mine, bringing in the combustibles, and sending Baynham to the Pope. Now, in the abstract of the indictment given in the account of the first trial, published by authority soon after it took place, Tresham's position is described, according to the fact, as having been introduced into the conspiracy at a later period, when Robert Winter, Digby, and Rookwood were added to the number, and his name is industriously expunged in every passage where he is charged by the indictment with an earlier accession to the plot. That the cause of this variance was an accidental mistake in framing the indictment, discovered before publication, is hardly probable in a case of such moment, superintended by such an officer as Sir Edward Coke, and in which the pleadings, in other respects, exhibit signs of the most scrupulous care and attention. The indictment too was prepared after all the facts of the case against the active conspirators had been ascertained, and when it would have been next to impossible that the Attorney-General, or any person who had assisted in the examinations, should have doubted or mistaken the part really acted by Tresham

in the transaction. That every line of the published trial was rigidly weighed and considered, not with reference to its accuracy but its effect on the minds of those who might read it, is manifest from various circumstances, upon a careful perusal of it; but the precise cause and motive of this particular misrepresentation is not easily to be traced.

The business of the examination of the different prisoners, and the numerous persons who could throw light upon any part of the conspiracy, was imposed in the usual manner upon certain commissioners named by the King from the Privy Council, and was conducted by them with all the zeal and industry which the importance of the subject required. On the morning after his arrest, and also on the three following days, Fawkes was repeatedly examined, not only by the Lords Commissioners, but by the Lord Chief Justice Popham, Sir Edward Coke, and Sir William Waad, the Lieutenant of the Tower. He maintained on those examinations a perfect consistency in his account of his own acts and intentions, but artifices, promises, and threats were equally unavailing to draw from him the names of his confederates; at first he endeavoured to conceal his own name and family, but a letter directed to himself being found upon his person he readily admitted * that he had assumed the name of Johnson for the purposes of concealment, and that his real name was Guido Fawkes. Being urged in one of the examinations with "the late horrible practice against the King, he answered that it was past, and he was sorry for it, for that he now perceived that God did not concur with it." When urged that "his denial of the names of his companions was useless, because by their flight they had been sufficiently discovered,

* Fawkes's Examination, 7th November, 1605.—State-Paper Office.

“If that be so,” said he, “it would be superfluous for me to declare them, seeing by that circumstance they have named themselves*.” “Notwithstanding,” says Lord Salisbury, in his despatch † to Sir Charles Cornwallis, “he confesseth all things of himself, and denieth not to have some partners in this particular practice, yet could no threatening of torture draw from him any other language than this: that he is ready to die, and rather wisheth ten thousand deaths than willingly to accuse his master, or any other; until, by often reiterating examinations, we pretending to him that his master was apprehended, he hath come to plain confession that his master kept the key of the cellar while he was abroad, and had been in it since the powder was laid there, and *inclusive* confessed him a principal actor in the same.” —

By Catholic writers it is generally stated that Fawkes's admissions were procured by torture; and from the examinations of Garnet and other persons, it is clear that this was the impression at the time. In a manuscript history of the Plot, preserved in the *Libreria Magliabechiana*, at Florence, it is said “that he was first suspended in the air by his thumbs ‡, and then placed on the rack, and as he still refused to name his accomplices he was stretched naked on a heated stone.” This is, however, merely fabulous. There is no doubt that, in the course of these “reiterating examinations” mentioned by Lord Salisbury, the torture, in some shape or other, was used to break his stubborn resolution. We have indeed no direct and positive evidence on this subject, excepting the well known authority given by James to apply

* MS. Narrative in the State-Paper Office.

† Winwood's Memorials, vol. ii. p. 170.

‡ Sir Edward Hoby, in the letter to Sir Thomas Edmondes, above cited, says, that “Fawkes was never on the rack, but only by his arms upright.”

the rack to him *; but the extraction of testimony by such means was the practice of the times. From the minutes of the Privy Council it is manifest that during the reigns of Henry VIII., Edward VI., Mary, and Elizabeth, it was the daily course to force confessions, not only of treason, but of murder, horse-stealing, and other great felonies by torture; and there are several authentic instances of its application at this very period. Lord Bacon expressly admits that "by the law of England it was used in the highest cases of treason for discovery, though not for evidence †;" and Dr. Abbott mentions it as the common course with commissioners appointed to examine into offences of state "to elicit truth from the accused by arguments and questions, and, where it becomes necessary, to press out confessions of crimes by torture ‡." The same writer, who was a clergyman of high reputation, and afterwards Bishop of Salisbury, even laments that Garnet was not examined upon the rack; and says, that without doubt if that had been done, the fact of his criminal privity to the plot might have been obtained from his own mouth. It would be unreasonable, therefore, to suppose that the torture was omitted to "press out a confession" in the case of Fawkes, who had avowed his own share in an atrocious attempt upon the life of the King and some hundreds of the most important men in the state, and declared that several others were principal agents in it, whose names he refused to discover.

If the torture were actually applied to Fawkes, of which there can be but little doubt, the immediate

* See *ante*, vol. i. p. 16.

† Treatise of the Pacification of the Church.

‡ "Speciales delegati, viri nonnunquam honorati et nobiles, a quibus inquiruntur et examinantur omnia, qui confessiones scelerum vel interrogatis eliciunt, vel argumentis et testimoniis evincunt, vel, ubi opus est, tormentis expriment."—*Antilogia adversus Apologiam Andreae Eudemon-Joannis*, cap. i.

object of it was, in all probability, to draw from him the names of the other conspirators, for on other points he seems at once to have unfolded all he knew. For three days he maintained his resolution to make no disclosures, which might involve other persons than himself. On the 8th of November, Sir William Waad writes to Lord Salisbury as follows:—

‘ My Lord,—I do think it my duty to give your
‘ lordship daily account of what temper I find this
‘ fellow, who this day is in a most stubborn and per-
‘ verse humour, as dogged as if he were possessed.
‘ Yesternight I had persuaded him to set down a
‘ clear narration of all his wicked plots, from the first
‘ entering on the same to the end they pretended,
‘ with the discourses and projects that were thought
‘ upon amongst them, which he undertook to do,
‘ and craved time this night to bethink him the
‘ better. But this morning he hath changed his
‘ mind, and is so sullen and obstinate as there is
‘ no dealing with him.’

Notwithstanding these unfavourable symptoms, it appears that on the same day on which the above letter was written, Fawkes performed his promise to Sir William Waad, by making a full disclosure of all the details of the conspiracy, suppressing only the names of the parties engaged in it; for there is an examination, dated the 8th of November, formally taken before all the Lords Commissioners, in which he gives a detailed narrative of the whole transaction, declaring the particulars of the working at the mine, its abandonment upon hiring the cellar, the manner of bringing in the powder, his own journey into Flanders, and the projected seizure of Duke Charles and the Princess Elizabeth; but still carefully concealing all names, excepting that of Percy, whose hiring of the house and cellar had, as he well knew, already furnished sufficient proof against him.

This paper, a copy of which only is to be found at the State-Paper Office, does not appear to have been signed by Fawkes, though indorsed in the handwriting of Sir Edward Coke, and signed by all the Lords Commissioners; and it is a curious circumstance that it corresponds throughout, and is for the most part verbally the same with that dated on the 17th of November, and published by the Government in the History of the Gunpowder Plot, except that the latter contains the names of the other conspirators, and is duly signed by the examinee. It seems, therefore, that Fawkes made a full disclosure of the plot, excepting the names of his associates, on the 8th of November, but it is probable that at that time he refused to sign his name to his declaration.

On the 9th of November, the next day, Sir William Waad writes the following note to Lord Salisbury:—

‘ My honourable good Lord,

‘ I have prevailed so much at the length with
 ‘ my prisoner, by plying him with the best per-
 ‘ suasions I could use, as he hath faithfully pro-
 ‘ mised me by narration to discover to your lord-
 ‘ ship only all the secrets of his heart, *but not to*
 ‘ *be set down in writing*. Your lordship will not
 ‘ mislike the exception; for when he hath confessed
 ‘ himself to your lordship I will undertake he shall
 ‘ acknowledge it before such as you shall call, and
 ‘ then he will not make dainty to set his hand to
 ‘ it. Therefore it may please your good lordship, if
 ‘ any of the Lords do come with you, that at first
 ‘ your lordship will deal with him alone. He will
 ‘ conceal no name nor matter from your lordship,
 ‘ to whose ears he will unfold his bosom. And I
 ‘ know your lordship will think it the best journey
 ‘ you ever made upon so evil occasion. Thus in
 ‘ haste, I thank God my poor labour hath advanced

‘ a service of this importance. From the Tower of London, the 9th of November, 1605.

‘ At the commandment of your Lordship,
‘ W. G. WAAD *.’

Upon this invitation Lord Salisbury repaired to the Tower, and it was probably to him that Fawkes first revealed the names of his accomplices. His reluctance to make this disclosure must have been in great measure removed by the intelligence of the fate of the conspirators in Worcestershire, which had arrived in London that day †.

The conspirators taken at Holbeach were conveyed to London about the 15th of November, and committed to the Tower. A course of diligent examination was immediately commenced by the Commissioners, which continued without intermission until the trial of the prisoners. Though taken with arms in their hands, many of them, when examined separately, positively denied all participation in the Powder Plot; but upon being confronted with such of their companions as had previously confessed, they at once admitted their guilt. Thus Rookwood at first, “ upon his soul and conscience, and as he was a Catholic, denied that he was ever privy to the practice of the powder;” but Keyes being sent for and interrogated in his presence, he at once, in the same deposition, confessed his participation in the plot. In his speech upon the trial, Sir Edward Coke, in accounting for the delay in bringing the prisoners to their arraignment, says that twenty-three several days had then been spent in examination. These laborious examinations were principally directed to ascertaining the extent to which the Catholic nobility and the Jesuit priests were concerned in the conspiracy.

* State-Paper Office.

† Salisbury’s Letter to Corwallis, Winwood, vol. ii. p. 170.

With respect to the former, no positive evidence was obtained, and no threats, promises, or torture could draw from the principal conspirators the slightest inculpation of the Jesuits. On the contrary, though several of them were induced to admit minute facts and circumstances, indifferent in themselves, but leading the way to subsequent discoveries, they all strenuously denied that the priests were in any degree privy to the plot. It was inexpedient, therefore, to bring the prisoners to trial and execution until all hope had vanished of procuring from them this important testimony. At last, on the 13th of January, Thomas Bates, Catesby's servant, yielded to the means which had been employed upon the other conspirators without effect, and revealed certain facts which were supposed to be sufficient to involve Garnet and Greenway as full accomplices in the transaction. The credibility of the information given by Bates will be hereafter examined in considering the case of Garnet: whether believed or not by the government, the statement appears to have answered the object they had in view. A royal proclamation against Garnet, Gerrard, and Greenway, was issued on the 15th of January, and on the 27th of the same month the trial of the prisoners already arrested took place.

There was, however, another reason for delaying the trial, to which the Attorney-General did not think it prudent to make any allusion. Baldwin, a jesuit in Flanders, and Hugh Owen, had been implicated in various previous plots against the English government, and the suspicions of their acquaintance with the Powder Plot were confirmed by the statements of Fawkes and Winter. A requisition was therefore made to the Archduke in Flanders to deliver up these individuals to the English government, and also to secure the person of Sir William Stanley;

upon which much negotiation and correspondence passed through Sir Thomas Edmondson, the English ambassador at Brussels; and Lord Salisbury states to Sir T. Edmondson that the object was to confront them with the other conspirators, whose trials were delayed for that purpose. Eventually the Archduke, after referring to the King of Spain, refused to comply with the requisition.

Having thus conducted the narrative of the proceedings against the principal conspirators to the eve of their arraignment, we now proceed to an account of the trials themselves. It is proper, however, to explain to our readers the course which we have been obliged to adopt with respect to them. Although these proceedings and the trial of Garnet naturally attracted much curiosity, not only in England but throughout Europe, no detailed report of either of them was ever published. The Relation, printed and carefully circulated by authority soon after the trials occurred, and forming one pamphlet with the King's speech on opening the Parliament, and the Discourse of the manner of discovering the plot, is imperfect and garbled; giving merely a tiresome account of the long and vituperative speeches of Sir Edward Coke and the Earl of Northampton, and only referring in general terms to the evidence produced and read on the occasion. Even the dull and tedious speeches are not reports of what was actually said; for there are anachronisms observable in them which obviously point to a date for their composition later than that of the trials. In fact, this Relation, like the other tracts printed with it, was published, not for the purpose of conveying accurate information, but of suppressing and colouring the truth, and of circulating such a version of the story, as suited the objects of the government.

Hence it is that there is no state trial since the date of Henry VIII. so barren of facts illustrative of general history or personal character, and so totally devoid of reality or dramatic interest, as the trial of the Gunpowder conspirators. Of most remarkable trials in the reigns of Elizabeth and James I. there are to be found various reports, either published or in manuscript, by a comparison of which a sufficiently accurate account of what took place may be compiled. But of the trial of Fawkes and his companions, and of the arraignment of Sir Everard Digby, no other account has ever been published than that printed by the King's printer; and neither in the British Museum nor in any other depository of manuscripts have we been able to discover an unpublished report of these proceedings in detail. In these circumstances all that could be done to adapt the trials in any degree for this series, and to give them the slightest interest or value, was to insert the examinations of the prisoners, and to add such facts and incidents respecting the conduct of the trials as could be gleaned from the chronicles, the narrative of Father Greenway, and the slight notices contained in the letters of contemporaries. The formal parts of the proceedings, such as the indictments and process, have been supplied from the records, and the examinations have in general been taken from the originals. The insertion of the examinations can be no violation of historical truth, as it is expressly stated in the report of the trials that they were read to the jury, and the original documents at the State-Paper Office, marked and scored by the Attorney-General for the guidance of the officers of the court in reading them, sufficiently designate, in most cases, the evidence which was actually given. The only difficulty in this respect arises from the variety of judicial pro-

ceedings in which these documents were used; many of the depositions being employed not only upon the trials of the main conspirators, but being read in evidence against Garnet, and also against the Earl of Northumberland and the Lords Mordaunt and Stourton in the Star-Chamber. In general, however, the different purposes to which each document, and each part of a document, was applied, may be traced by attending to the marks placed upon them by Sir Edward Coke, who invariably distinguished them either by the colour of the ink or the nature of the letters used in the margin, or an indorsement upon the paper. In this manner it has been found possible to arrange, with tolerable certainty, the evidence given in each of the cases, though the dialogue, and, in general, that sort of dramatic effect which alone can render a trial interesting, is irrecoverably lost.

The Trials of Robert Winter, Thomas Winter, Guy Fawkes, John Grant, Ambrose Rookwood, Robert Keyes, and Thomas Bates, at Westminster, by a Special Commission for High Treason, being Conspirators in the Gunpowder Plot, 3 Jac. I., 27th January, 1606.

Early in the morning of Monday, the 27th of January, 1605-6, the eight prisoners, namely, Sir Everard Digby, Robert Winter, Thomas Winter, Ambrose Rookwood, John Grant, Guido Fawkes, Robert Keyes, and Thomas Bates, were taken in a boat upon the Thames from the Tower to Westminster Hall. They waited together in the Court of Star-Chamber until the Lords Commissioners had arrived in the Hall and had taken their seats; immediately after which they were brought in and placed on a scaffold in front of the Court. Sir Edward Hoby, in a letter to Sir Thomas Edmondes, dated soon after the trial, says that "the Queen and Prince were in a secret place by to hear, and some say the King in another." Many members of both houses of Parliament were also present, seats being provided for them in the hall*.

The Commissioners were—

Charles, Earl of Nottingham, Lord High Admiral of England.

Thomas, Earl of Suffolk, Steward of the Household.

Edward, Earl of Worcester, Master of the Horse.

Charles, Earl of Devonshire, Master of the Ordnance.

Henry, Earl of Northampton, Warden of the Cinque Ports.

Robert, Earl of Salisbury, Principal Secretary of State.

The Lord Chief Justice of England, Sir John Popham†.

* In the Journals of the House of Commons there is an entry, that, on the 28th of January, 1605-6, the day after the trial, "Mr. Lewkenor complained to the house that those of the Parliament House were so pressed that they could not hear what was said at the arraignment, and the place appointed for the house pestered with others not of the house;" upon which complaint the house appointed a Committee to examine where the fault was.

† As to Chief Justice Popham, see Criminal Trials, vol. i. p. 310, note.

The Lord Chief Baron of the Exchequer, Sir Thomas Fleming.

Sir Thomas Walmisley and Sir Peter Warburton, Kts., both of them Justices of the Common Pleas.

The Indictment* stated that the King, with the advice of his Privy Council, had called a Parliament, to be holden at Westminster on the 19th day of March, 1604; that such Parliament had been commenced and held, and was continued by prorogation until the 7th day of July, 1605; that *Henry Garnet*, late of London, Clerk, of the profession of Jesuits, otherwise called Henry Walley, late of London aforesaid, Clerk; *Oswald Tesmond*, late of London, Clerk, of the aforesaid profession of Jesuits, otherwise called Oswald Greenway and Oswald Fermour; *John Gerrard*, late of London, Clerk, of the aforesaid profession of Jesuits, otherwise called John Brooke; *Thomas Winter*, late of Huddington, in the county of Worcester, Gentleman; *Guido Faukes*, late of London, Gentleman, otherwise called Guido Johnson; *Robert Keyes*, late of London, Gentleman; and *Thomas Bates*, late of London, Yeoman; together with *Robert Catesby*, late of Ashby, in the county of Northampton, Esquire; *Thomas Percy*, late of London, Esquire; *John Wright*, late of London, Gentleman; *Christopher Wright*, late of London, Gentleman (in open rebellion lately slain); and *Francis Tresame* (Tresham), late of Rushton, in the county of Northampton, Esquire, (lately dead,) as false traitors to the King during the said session of Parliament, to wit, on the 20th day of May, 1604, in the parish of St. Clement's Danes, without the bar of the New Temple, London, in the county of Middlesex, falsely, maliciously, and traitorously conspired, imagined, and compassed to deprive the King of his royal estate, title, and dignity; to kill the said King, and also Anne his queen and consort, and Prince Henry his eldest son; to raise sedition, and to produce a miserable slaughter in the realm; to

* This abstract of the Indictment, which differs in several respects from that published in the History of the Gunpowder Plot, and also the names of the Commissioners, are taken from the original record in the *Baga de Secretis*.

cause rebellion against the King, and to subvert and change the government and true worship of God established in the realm; and also to invite foreigners to invade the realm and make war against the King. And thereupon, in order to complete their treasons and conspiracies aforesaid, to wit, on the 20th May, 1604, in the parish aforesaid, as well the said Garnet, Tesmond, Gerrard, and other Jesuits, Thomas Winter, Fawkes, Keyes, and Bates, as also Catesby, Percy, John and Christopher Wright, and Tresham, traitorously assembled themselves together; and being so assembled together, Garnet, Tesmond, Gerrard, and other Jesuits, falsely and traitorously persuaded the rest that the King, nobility, clergy, and the whole commonalty of the realm (papists excepted) were heretics, and that all heretics were excommunicated by the Bishop of Rome; and that no heretic could be king; but that it was lawful and meritorious to kill the King and all other heretics, for the purpose of restoring the Roman Catholic religion and advancing the usurped and pretended jurisdiction of the Bishop of Rome within the realm of England. That to this traitorous persuasion Winter and the rest traitorously did assent. Whereupon as well the said Garnet, Tesmond, Gerrard, Thomas Winter, Fawkes, Keyes, and Bates, as also Catesby, Percy, the two Wrights, and Tresham, on the said 20th of May, in the year aforesaid, in the parish aforesaid, traitorously concluded and agreed among themselves that they would suddenly and with one blast blow up and tear in pieces with gunpowder the King, Queen, and Prince, the Lords spiritual and temporal, and the Burgesses and others to be assembled in the house of Parliament at Westminster as aforesaid. And thereupon the jurors aforesaid, upon their oath aforesaid, present that as well Garnet, Tesmond, Gerrard, Thomas Winter, Fawkes, Keyes, and Bates, as Catesby, Percy, the two Wrights, and Tresham, conspired and agreed not only that the whole male issue of the King should be destroyed and extirpated; but that the several persons last aforesaid having joined to themselves as many other false traitors as they could, should get into their hands the Princesses Elizabeth and Mary, and should proclaim the Princess Elizabeth Queen of

England ; and should publish a false and traitorous proclamation, in which no mention was to be made of the alteration of religion, nor should they acknowledge their real purposes until they had acquired sufficient strength to accomplish them ; and that by the said proclamation they should publish that all abuses and grievances should be reformed was to satisfy the people. And the jurors, &c. further say, that for the better concealment and accomplishment of their designs, as well the said Thomas Winter, &c., as the said Catesby, &c., on the 20th May, in the year aforesaid, at, &c. aforesaid, by the advice and procurement of Garnet, Tesmond, and Gerrard, agreed that each of them should take an oath of secrecy ; that thereupon, as well Thomas Winter, &c., as Catesby, &c., severally took the oath aforesaid, and received the sacrament thereon by the hands of Gerrard, Garnet, and other Jesuits. And the jurors further present that as well the said Garnet, Tesmond, Gerrard, Thomas Winter, &c., as Catesby, &c., on the said 20th of May, at, &c. aforesaid, traitorously agreed that after the accomplishment of the treason with gunpowder they would impart and notify to foreign princes the event and success thereof ; and that thereupon they would send Sir Edmund Baynham (a person lately attainted of high treasons committed against Queen Elizabeth, and lately belonging to a society calling themselves " the Damned Crew,") to the Pope to notify their success, and to treat with him of the best means of restoring the Roman superstition in England. And the jurors further present that the Parliament being prorogued from the 7th July aforesaid to the 7th February following, as well Thomas Winter, &c. as Catesby, &c., on the 11th December, 1604, by the advice of Garnet, Tesmond, and Gerrard, traitorously agreed to place a large quantity of gunpowder under the Parliament House ; and on the same day, and on divers other days and times afterwards, secretly dug a mine under the Parliament House to the middle of foundation of the wall of the same, with intent to place therein a large quantity of gunpowder. And the jurors, &c. present that the Parliament was again prorogued from the said 7th February to the 3rd of October, 1605 ; and that as well Thomas Winter, &c.

as Catesby, &c., finding their work to be one of great difficulty, and understanding that a cellar adjoining the Parliament House was to be let, the said Thomas Percy afterwards, to wit, on the 20th March, 1605, by the procurement of the other conspirators, did hire the cellar at a certain rent; and that thereupon as well Thomas Winter, &c. as Catesby, &c. secretly placed twenty barrels of gunpowder in the cellar. And the jurors further present that, during the prorogation last mentioned, as well Garnet, &c. as Catesby, &c. on the last day of March, 1605, traitorously met with *Robert Winter*, late of Huddington aforesaid, Esquire, *John Grant*, late of Northbrook, in the county of Warwick, Esquire, and *Ambrose Rookwood*, late of Stanningfield, in the county of Suffolk, Esquire, and imparted to them their treasonable purposes aforesaid, and required them to join with them and supply them with horses and armour, which the said Robert Winter, Grant, and Rookwood agreed to do, and took the oath as aforesaid. And the jurors further say, that as well Thomas Winter, Fawkes, Keyes, Bates, Robert Winter, Grant, and Rookwood, as Catesby, &c. afterwards, to wit, on the last day of July, 1605, at Westminster aforesaid, traitorously placed ten other casks of gunpowder in the cellar, fearing that the gunpowder first brought in might have become damp, and covered it with billets and faggots. And the jurors further present, that as well Thomas Winter, Fawkes, Keyes, Bates, Robert Winter, Grant and Rookwood, as Catesby, &c. afterwards, on the 20th September, 1605, brought into the cellar four hogsheads filled with gunpowder, and placed stone and iron bars amongst it, and covered the whole with billets and faggots. And the jurors further present, that Guido Fawkes afterwards, to wit, on the 4th November, 1605, about the hour of eleven of the night of the same day, by the procurement as well of Garnet, Tesmond, Gerrard, Thomas Winter, Keyes, Bates, Robert Winter, Graunt, and Rookwood, as of Catesby, &c., traitorously prepared and had ready on his person touchwood and matches, in order to give fire to the gunpowder aforesaid. And the jurors further present, that immediately after these treasons were discovered, as well Garnet, Tesmond, Gerrard, Thomas

Winter, Keyes, Bates, Robert Winter, Grant, and Rookwood, as Catesby, Percy, John Wright, and Christopher Wright, traitorously fled and withdrew themselves, with intent to incite the Papists and other persons to open rebellion against the King in his realm; and in order more easily to fulfil their traitorous intentions they published false rumours that the throats of the Papists in England would be cut; and that thereupon divers Papists were in open and armed rebellion against the King in various parts of the realm: against the duty of their allegiance; against the form of several statutes; against the peace of our Lord the King, his crown, and dignity, and in manifest contempt of the laws of this realm.

To this indictment all the prisoners pleaded not guilty, which excited some surprise, as their previous confessions were notorious. Fawkes in particular was asked by the Lord Chief Justice how he could deny the indictment, having been actually taken in the cellar with the powder, and having never before denied the fact. He answered*, that he had done so in respect of certain conferences mentioned in the indictment which he knew not of. Upon which one of the Court told him that those conferences were set down in the indictment as necessarily presupposed before the resolution of such a design.

Then Sir Edward Philips, Knight, his Majesty's Sergeant-at-Law, opened the indictment.

Attorney-General† (Sir Edward Coke). It appeareth

* Eudæmon Joannes complains that this statement of Fawkes's answer was a misrepresentation, and declares, upon the testimony of some friends of the prisoners, that what he said was that "none of them meant to deny that which they had not only voluntarily confessed before, but which was quite notorious throughout the realm. But this indictment," added he, "contains many other matters, which we neither can nor ought to countenance by our assent or silence. It is true that all of us were actors in this plot, but it is false that the Holy Fathers had any part in it; we never conferred with them about the matter." *Apologia*, p. 200.

† The following curious note from the Earl of Salisbury to Sir Edward Coke, containing directions for his speech on this occasion, is taken from the original draft in Lord Salisbury's handwriting at the State-Paper Office:—

“These things I am commanded to renew unto your memory. First, that you be sure to make it appear to the world that there

to your lordships, and the rest of this most honourable assembly, even by that which Mr. Sergeant hath already opened, that these are the greatest treasons that ever were plotted in England, and concern the greatest king that ever was of England. But when this assembly shall further hear, and see discovered the roots and branches of the same, not hitherto published, they will say indeed, that when these things shall be related to posterity, they will be reputed matters feigned, not done. And therefore in this so great a cause, upon the carriage and event whereof the eye of all Christendom is at this day bent, I shall desire that I may with your patience be somewhat more copious, and not so succinct as my usual manner hath been.

But before I enter into the particular narration of this cause I hold it fit to give satisfaction to some, and those well affected amongst us, who have not only marvelled

was an employment of some persons to Spain for a practice of invasion, as soon as the Queen's breath was out of her body. The reason is this for which the King doth urge it. He saith some men there are that will give out, and do, that only despair of the King's courses on the Catholics and his severity, draw all these to such works of discontentment; where by you it will appear, that before his Majesty's face was ever seen, or that he had done any thing in government, the King of Spain was moved, though he refused it, saying, 'he rather expected to have peace,' &c. Next, you must, in any case, when you speak of the letter which was the first ground of discovery, absolutely disclaim that any of these wrote it, though you leave the further judgment indefinite who else it should be. Lastly, and that you must not omit, you must deliver, in commendation of my Lord Mounteagle, words to show how sincerely he dealt, and how fortunately it proved that he was the instrument of so great a blessing as this was. To be short, sir, you can remember how well the King in his Book did censure his lordship's part in it; from which sense you are not to vary, but *obiter* (as you know best how), to give some good echo of that particular action in that day of public trial of these men; because it is so lewdly given out that he was once of this plot of powder, and afterwards betrayed it all to me.

"This is but *ex abundanti* that I do trouble you; but as they come to my head or knowledge, or that I am directed, I am not scrupulous to send to you.

"You must remember to lay Owen as foul in this as you can"

but grieved, that no speedier expedition hath been used in these proceedings, considering the monstrousness and continual horror of this so desperate a cause. To such I answer, first, that it is *ordo naturæ*, that things of great weight and magnitude should slowly proceed, according to that of the poet, "*Tarda solet magnis rebus adesse fides.*" Secondly, I answer, "*Veritas temporis filia;*" and this will appear especially in this case, wherein by timely and often examinations matters of greatest moment have been lately found out; some known offenders, and those capital, lately apprehended; sundry of the principal arch-traitors, before unknown, now manifested, as the Jesuits; and also certain heretical, treasonable, and damnable books discovered; one, 'Of Equivocation,' and another of Francis Tresham's, 'De officio principis Christiani.' Thirdly, I say there have been already twenty and three several days spent in examinations. Fourthly, we should otherwise have hanged a man unattainted, for Guy Fawkes passed for a time under the name of John Johnson; so that if by that name greater expedition had been made, and he hanged, though we had not missed of the man, yet the proceeding would not have been so orderly or justifiable. Lastly, the King, out of his wisdom and great moderation, was pleased to appoint this Trial in time of assembly in Parliament, because it concerned especially those of the Parliament.

Now touching the offences themselves, they are so exorbitant and transcendant, and aggregated of so many bloody and fearful crimes, as they cannot be aggravated by any inference, argument, or circumstance whatsoever; and that in three respects. First, this offence is *primæ impressionis*, and, therefore, *sine nomine*, without any name, which might be sufficient to express it, given by any legislator, that ever made or writ of any laws; for the highest treason that all they could imagine they called it only *crimen læsæ majestatis*, the violating of the majesty of the prince. But this treason doth want an apt name, as tending not only to the hurt but to the death of the King, and not the death of the King only, but of his whole kingdom, *non regis sed regni*, that is, to the destruction and dissolution of the frame and fabric

of this ancient, famous, and ever-flourishing monarchy—even the deletion of our whole name and nation. Secondly, it is *sine exemplo*, beyond all examples, whether in fact or fiction, even of the tragic poets, who did beat their wits to represent the most fearful and horrible murders. Thirdly, it is *sine modo*, without all measure or stint of iniquity; like a mathematical line, which is *divisibilis in semper divisibilia*, infinitely divisible. It is treason to imagine or intend the death of the King, Queen, or Prince. For treason is like a tree whose root is full of poison, and lieth secret and hid in the earth, resembling the imagination of the heart of man, which is so secret as God only knoweth it. Now the wisdom of the law provideth for the blasting and nipping, both of the leaves, blossoms, and buds, which proceed from this root of treason; either by words, which are like to leaves, or by some overt act, which may be resembled to buds or blossoms, before it cometh to such fruit and ripeness as would bring utter destruction and desolation upon the whole state. It is likewise treason to kill the Lord Chancellor, Lord Treasurer, or any Justice of the one bench or other Justices of Assize, or any other Judge mentioned in the statute of 25 Edward III., sitting in their judicial places and exercising their offices. And the reason is, for that every Judge, so sitting by the King's authority, representeth the majesty and person of the King; and therefore it is *crimen læsæ majestatis* to kill him, the King being always in judgment of law present in court. But in the high court of Parliament every man, by virtue of the King's authority, by writ under the great seal, hath a judicial place; and so consequently the killing of every of them had been a several treason, and *crimen læsæ majestatis*. Besides that, to the treasons of these men were added open rebellion, burglary, robbery, horse-stealing, &c. So that this offence is such as no man can express it—no example pattern it—no measure contain it.

Concerning foreign princes, it is here proper that I make a protestation for clearing of them from all imputation or aspersion whatsoever. For the King of Spain's listening to the first message by Thomas Winter, it must be known that the Spanish nation was then at war with England:

and whilst kingdoms stand in hostility, hostile actions are holden honourable and just. Nor do I with good will mention the actions of any foreign princes in this cause. Indeed, it is not the King's counsel that in any sort touch or mention them; for we know that, respecting princes and great personages, there is *lex in sermone tenenda*, and that they are to be reverently and respectfully spoken of; but it is Pawkes, Winter, and the rest of these offenders, who have charged great persons in their confessions; whereas the King's learned counsel do but repeat their confessions as against themselves, and charge or touch no other person. Moreover, what hath been said concerning foreign princes by some of these prisoners at the bar, is so woven into the matter of the charge against themselves as it cannot be severed or singled from the rest of the matter; and therefore the mention of them is inevitable, and cannot be pretermitted.

Now, as this powder treason is in itself prodigious and unnatural, so it is in the conception and birth most monstrous, as arising out of the dead ashes of former treasons: for it had three roots, all planted and watered by Jesuits, and English Roman Catholics; the first root in England, the second in Flanders, the third in Spain. In England it had two branches; one, in December, was twelve months before the death of the late Queen of blessed memory; another in March, when she died. First, in December, 1601, do Henry Garnet, superior of the Jesuits in England, Oswald Tesmond, Jesuit, Robert Catesby (who was *homo subacto et versuto ingenio et profunda perfidia*), together with Francis Tresham and others, in the names and for the behalf of all the English Romish Catholics, employ Thomas Winter into Spain, as for the general good of the Romish Catholic cause; and by him doth Garnet write his letters in that behalf to *Father Cresswell, Jesuit, residing in Spain*.* With Tho-

* This is one of the anachronisms in this report of the trial which betrays the manufacture of some parts of it at a later period. There is no mention of these letters from Garnet to Cresswell in any examination previously to a statement of Garnet's, made two months after this trial, namely, on the 23d of March, 1605-6.

mas Winter doth Tesmond, alias Greenway, the Jesuit, go as an associate and confederate in that conspiracy. The message (which was principally committed unto the said Winter) was, that he should make a proposition and request to the King of Spain in the behalf and names of the English Catholics, that the King would send an army hither into England, and that the forces of the Catholics in England should be prepared to join with him; and further that the King of Spain should bestow some pensions here in England upon sundry persons, Catholics, and devoted to his service; and, because that in all attempts upon England the greatest difficulty was ever found to be the transportation of horses, the Catholics in England would assure the King of Spain to have always in readiness for his use fifteen hundred or two thousand horses against any occasion or enterprise. Now, Thomas Winter undertaking this negotiation, and, with Tesmond the Jesuit, coming into Spain by means of Father Cresswell, the legier * Jesuit there, as hath been said, had readily speech with certain ministers of the Spanish King, who assured him that it would be an office very grateful to their master, and that it should not want their best furtherance. Now, there being at that time hostility betwixt both kingdoms, the King of Spain willingly embraced the motion, saying, that he took the message from the Catholics very kindly, and that in all things he would respect them with as great care as his proper Castilians. But, for his further answer and full despatch, Thomas Winter was appointed to attend the progress. In the end whereof, being in summer time, this answer was given him. That the King would bestow one hundred thousand crowns to that use, half to be paid that year and the rest the next spring following, when he meant to set foot in England; and

* This word is applied by Coke ironically to the Jesuits resident at foreign courts. A Leiger, or Legier, was an ambassador or person deputed by a prince to reside at a foreign court, as his representative or agent. In this sense it is used by Shakspeare, in *Measure for Measure*, Act iii. scene 1:—

“ Lord Angelo, having affairs to Heaven,
Intends you for his swift ambassador,
Where you shall be an everlasting leiger.”

he desired of Winter that he might have certain advertisement and intelligence if in the mean time the Queen did die. Thomas Winter, laden with these hopes, returns into England about a month before Christmas, and delivered answer of all that had passed to Garnet, Catesby, and Tresham. But soon after set that glorious light—her Majesty died: "*Mira cano; Sol occubuit, Nox nulla secuta est.*" Presently after whose death was Christopher Wright, another messenger, sent over into Spain by Garnet, Catesby, and Tresham, in the name and behalf of all the Roman Catholics in England; as well to carry news of her Majesty's death as also to continue the aforesaid negotiation for an invasion and pensions, which by Thomas Winter had before been dealt in. And in the Spanish court, about two months after his arrival there, doth Christopher Wright meet with Guy Fawkes, who was employed out of Flanders from Brussels by Sir William Stanley, Hugh Owen (whose finger hath been in every treason which hath been of late years detected), and Baldwin, the legier jesuit in Flanders; from whom likewise the said Fawkes carried letters to Cresswell in Spain, for the countenancing and furtherance of his affairs. Now the end of Fawkes's employment was to give advertisement to the King of Spain how the King of England was like to proceed rigorously with the Catholics, and to run the same course which the late Queen did; and withal to entreat that it would please him to send an army into England to Milford Haven, where the Romish Catholics would be ready to assist him. And these their several messages did Christopher Wright and Guy Fawkes in the end intimate and propound to the King of Spain. But the King then very honourably answered them both "that he would not in any wise further listen to any such motion, as having before despatched an embassy into England to treat concerning peace." Therefore this course by foreign forces failing, they fell to the Powder Plot; Catesby and Tresham being in all the treasons of this time—in the treason of the Earl of Essex, in the treason of Watson and Clarke, seminary priests, and also in this of the Jesuits; such a greedy appetite had they to practise against the state.

That which I shall now speak concerning this treason of powder shall be divided into three general parts:—

The first, containing certain considerations concerning this treason;

The second, observations about the same; and

The third, a comparison of this treason of the Jesuits with that of the seminary priests and that other of Raleigh and others.

For the considerations concerning the Powder Treason they are in number eight: that is to say—1st. The persons by whom; 2nd. The persons against whom; 3rd. The time when; 4th. The place where; 5th. The end; 6th. The means; 7th. The secret contriving and carriage of this treason; and, lastly, the admirable discovery thereof.

First. For the persons offending, or *by whom*, they are of two sorts; either of the clergy or laity; and for each of them there is a several objection made. Touching those of the laity, it is by some given out that they are such men as admit just exception, either desperate in estate, or base, or not settled in their wits; such as are *sine religione, sine sede, sine fide, sine re, et sine spe*,—without religion, without habitation, without credit, without means, without hope. But (that no man, though never so wicked, may be wronged) true it is, they were gentlemen of good houses, of excellent parts, howsoever most perniciously seduced, abused, corrupted, and jesuited, of very competent fortunes and estates. Besides that, Percy was of the house of Northumberland; Sir William Stanley, who principally employed Fawkes into Spain, and John Talbot of Grafton, who, at least, is in case of misprison of high treason, were both of great and honourable families. Concerning those of the spirituality, it is falsely said, that there is never a religious man in this action; for I never yet knew a treason without a Romish priest; but in this there are very many Jesuits, who are known to have dealt and passed through the whole action; three of them are legiers and statesmen, as Henry Garnet, alias Walley, the superior of the Jesuits, legier here in England; Father Creswell, legier Jesuit in Spain; Father Baldwin, legier in Flanders, as Parsons at Rome; besides

their cursory men, as Gerrard, Oswald, Tesmond, alias Greenway, Hammond, Hall, and other Jesuits.

The studies and practices of this sect principally consist in two *D's*, to wit, in deposing of kings, and disposing of kingdoms. And, albeit, that princes hold their crowns immediately of and from God, by right of lawful succession and inheritance by royal blood, yet think these Jesuits, with a goose-quill, to remove the crown from the head of any king christened, and to deal with him as the old Romans are said to have done with their viceroys, or petty kings, to crown and uncrown them at their pleasures. Neither so only, but they will proscribe and expose them to be butchered by their vassals or subjects—a thing which is against their own canons, for priests to meddle in cause of blood. And by this means they would make the condition of a king far worse than that of the poorest creature that breatheth.

First, every heretic stands and is reputed with them as excommunicated and accursed; and therefore, if not *de facto*, yet *de jure*, in law and in right, to all their intents and purposes, a king that is a heretic may be deposed, proscribed, and murdered. But, suppose he be not a professed heretic, but dealeth reservedly, and keepeth his conscience to himself, how stands he then? To this they answer, whether he be a known or secret heretic, all is one, and they thunder out the same judgment and curse for both. But, suppose that a prince thus accursed and deposed will eftsoons return and conform himself to their Romish church, shall he then be restored to his state, and again receive his kingdom? Nothing less. "For," saith Simanca *, "if kings or other christian princes become heretics, their subjects and vassals are forthwith freed from their dominion; nor shall such recover their right, although they be afterwards reconciled to the church." "O, but holy mother church never shuts her bosom to any convert." "That is true," say they, "but with a distinction, *quoad animam*; spiritually, and in respect of his soul's health he shall be restored;

* The book here referred to is Simanca, *De Catholicis Institutionibus*, which seems to have been a work of great authority with the Jesuits. The obnoxious doctrine cited by Sir Edward Coke is to be found in the chapter *De Pœnis*, p. 371.

but *quoad regnum*, in respect of his kingdom or state-temporal, he must not be restored." But, suppose that such an unhappy deposed prince have a son, or lawful and right heir, who is not touched or spotted with his father's crime, shall not he at the least succeed, and be invested into that princely estate? Neither will this down with them. Heresy, say they, is a leprosy, an hereditary disease; and of leprous parents come leprous children. "So that," saith Simanca, "on account of the heresy of the king, he not only loses the kingdom himself, but all his sons are driven from the succession." Now, if any man doubt whom they here mean by a heretic, Cresswell, in his book called 'Philopater *,' gives a plain resolution. "*Regnandi jus amittit*," saith he, "*qui religionem Romanam deserit*." He, therefore, is the heretic they speak of, even whosoever forsakes the religion of the church of Rome; such a one is accused, deprived, proscribed; never to be absolved but by the Pope himself; never to be restored either in himself or his posterity. Their conclusion therefore is, that for heresy a prince is to be deposed, and his kingdom bestowed by the Pope at pleasure, and that the people, upon pain of damnation, are to take part with him whom the Pope shall so constitute over them. And thus while they imagine, with the wings of their light-feathered distinctions, to mount above the clouds and level of vulgar conceits, they desperately fall into a sea of gross absurdities, blasphemy, and impiety. By these Jesuits was Catesby resolved that this fact of the Powder Treason was both lawful and meritorious, and herewith he persuaded and settled the rest when they seemed to hesitate. So that the principal offenders are the seducing Jesuits; men that use the reverence of religion, yea, even the most sacred and blessed name of Jesus as a mantle to cover their impiety, blasphemy, and treason. And surely the Jesuits were so far engaged in his treason, as that some of them did not stick to say, when they heard it had miscarried, that they were utterly un-

* This was a pamphlet written by Cresswell in 1593, in answer to the Proclamation of Elizabeth in 1591 against Jesuits and seminary priests. It undoubtedly contains the doctrine attributed to it by Sir Edward Coke.

done, and that it "would overthrow the state of the whole society of the Jesuits *." And I pray God that in this they may prove true prophets, and that they may become like the order of Templars, who were, by a general and universal edict, in one day throughout Christendom quite extinguished, as being an order of impiety.

The second Consideration is respecting the *persons against whom* this treason was intended; which are, 1. The King, who is God's anointed; nay, it hath pleased God to communicate unto him his own name; "*Dixi, Dis estis,*" not substantially or essentially so, neither yet, on the other side, *usurpativè*, by unjust usurpation, as the devil and the Pope; but *potestativè*, as having his power derived from God within his territories; 2. Their natural liege Lord and dread Sovereign, whose just interest and title to this crown may be drawn from before the conquest; and if he were not a king by descent, yet deserved he to be made one for his rare and excellent endowments and ornaments both of body and mind. Look into his true and constant religion and piety, his justice, his learning above all kings christened, his acumen, his judgment, his memory, and you will say that he is indeed "*Solus præteritis major, meliorque futuris.*" But upon this matter, because I cannot speak what I would, I will forbear to speak what I could. Also against the Queen, a most gracious and graceful lady; a most virtuous, fruitful, and blessed vine, who hath happily brought forth such olive-branches as that her memory shall be blessed of all our posterity. Then against the royal issue male, next under God, and after our sovereign, the future hope, comfort, joy, and life of our state. And as for preserving of the good lady Elizabeth, the King's daughter, it should only have been for a time to have served for their purposes, as being thought a fit project to keep others in appetite for their own further advantage; and then God knoweth what would have become of her. To conclude, against all the most honourable and prudent counsellors, and all the true-hearted and worthy nobles, all the reverend and learned bishops, all the grave judges and sages of the law, all the principal

* See Bates's Examination, 13th January, 1606.

knights, gentry, citizens, and burgesses of Parliament, the flower of the whole realm. *Horret animus*,—I tremble even to think of it. Miserable desolation! no king, no queen, no prince, no issue male, no councillors of state, no nobility, no bishops, no judges! O, barbarous and more than Scythian or Thracian cruelty! No mantle of holiness can cover it—no pretence of religion can excuse it—no shadow of good intention can extenuate it;—God and heaven condemn it—man and earth detest it—the offenders themselves were ashamed of it;—wicked people exclaim against it—and the souls of all true christian subjects abhor it. Miserable but yet sudden had their ends been who should have died in that fiery tempest and storm of gunpowder; but more miserable had they been that had escaped: and what horrible effects the blowing-up of so much powder and stuff would have wrought not only amongst men and beasts, but even upon insensible creatures, churches, and houses, and all places near adjoining, you who have been martial men best know—for myself, "*Vox faucibus hæret.*"

The third Consideration respects *the time* when this treason was conspired; wherein note that it was in the first year of King James's reign, even at that time when his Majesty used so great lenity towards recusants, in that, by the space of a whole year and four months, he took no penalty by statute of them. So far was his Majesty from severity, that besides the benefit and grace before specified, he also honoured all alike with advancement and favours, and all this was continued until the priests' treason by Watson and Clarke. But as there is *misericordia puniens*, so is there likewise *crudelitas parcens*: for they were not only by this not reclaimed but (as plainly appeareth) became far worse. Nay, the Romish Catholics did at that very time certify that it was very like the King would deal rigorously with them, and the same do these traitors now pretend, as the chiefest motive; whereas indeed, as appeareth by their sending Winter into Spain, they had treason on foot against the King before they saw his face in England*: neither afterwards, for all the lenity he used towards

* See Lord Salisbury's Letter, *ante*, p. 120 (n.)

them, would any whit desist or relent from their wicked attempts. Nay, they would pick out the time of Parliament for the execution of their hideous treasons, wherein the flower of the land being assembled, for the honour of God, the good of his church and this commonwealth; they might, as it were, with one blow, not wound, but kill and destroy the whole state: so that with these men, lenity having once bred a hope of impunity, begat not only insolence, but impenitency and increase of sin.

In the fourth place, we are to consider *the place where* this treason should have been executed, which was the sacred senate, the House of Parliament. And why there? For that, say they, unjust laws had formerly been there made against Catholics; therefore that was the fittest place of all others to revenge it, and to do justice in. If any ask who should have executed this their justice, it was justice Fawkes, a man like enough to do according to his name. If by what law they meant to proceed; it was gunpowder-law, fit for justices of hell. But concerning those laws which they so calumniate as unjust, it might in few words plainly appear, that they were of the greatest moderation and equity that ever were any; for from the first year of Queen Elizabeth till the eleventh, all Papists came to our church and service without scruple. I myself have seen Cornwallis, Beddingfield, and others at church; so that then for the space of ten years, they made no conscience nor doubt to communicate with us in prayer. But when once the bull of Pope Pius Quintus was come and published, wherein the Queen was accused and deposed, and her subjects discharged of their obedience and oath, yea, cursed if they did obey her; then did they all forthwith refrain the church; then would they have no more society with us in prayer: so that recusancy in them is not for religion, but in an acknowledgment of the Pope's power, and a plain manifestation what their judgment is concerning the right of the prince in respect of regal power and place. Two years after the Pope's bull, viz., in the 13th Elizabeth, was there therefore a law made against the bringing in of bulls, &c. In the 18th of Elizabeth came Mayne, a priest, to move sedition; in the twentieth year came Campion,

the first Jesuit, who was sent to make a party here in England, for the execution of the former bull: then follow treasonable books. In the twenty-third year of Elizabeth, after so many years sufferance, there were laws made against recusants and seditious books. The penalty or sanction for recusancy was not loss of life, or limb, or whole estate, but only a pecuniary mulct and penalty, and that also only until they would submit and conform themselves and again come to church, as they had done for ten years before the Pope's bull. And yet afterwards the Jesuits and Romish priests came swarming into the realm, infusing continually this poison into the subjects' hearts, that by reason of the said bull of Pius Quintus, her Majesty stood excommunicated and deprived of her kingdom, and that her subjects were discharged of all obedience to her, and endeavouring by all means to draw them from their duty and allegiance to her Majesty, and to reconcile them to the church of Rome. So that in the twenty-seventh year of Elizabeth a law was made that it should be treason for any—not to be a priest and an Englishman, born the Queen's natural subject—but for any being so born her subject, and made a Romish priest, to come into any of her dominions, to infect any of her loyal subjects with their treasonable and damnable persuasions and practices; yet so, that it concerned only such as were made priests since her Majesty came to the crown, and not before.

Concerning the execution of these laws it is to be observed, that whereas in the quinquenny, the five years of Queen Mary, there were cruelly put to death about 300 persons for religion; in all her late Majesty's time, by the space of forty-four years and upwards, there were, for treasonable practices, executed, in all not thirty priests, nor above five receivers and harbourers of them; and for religion not any one.

The fifth Consideration is of *the end* of this Powder Treason, which was to bring a final and fatal confusion upon the state: for howsoever they sought to shadow their impiety with the cloak of religion, yet they intended, as themselves confessed, to "breed a confusion fit to

beget new alterations*;" and they went to join with Romish Catholics and discontented persons to overthrow the state and government of the realm.

The sixth point to be considered is *the means* to compass and work these designs. These means were most cruel and damnable;—by mining, and by thirty-six barrels of powder, having crows of iron, stones, and wood laid upon the barrels to have made the breach the greater. Lord! what a wind, what a fire, what a motion and commotion of earth and air would there have been! But as it is in the book of Kings, when Elias was in the cave of the mount Horeb, and that he was called forth to stand before the Lord, behold a mighty strong wind rent the mountains and brake the rocks, "but the Lord was not in the wind;" and after the wind came a commotion of the earth and air, and "the Lord was not in that commotion;" and after the commotion came fire, "and the Lord was not in the fire." So neither was God in any part of this monstrous action. The authors whereof were in this respect worse than the very damned spirit of Dives, who, as it is written in the gospel, desired that others should not come into his place of torments.

The seventh Consideration is the secret contriving and carriage of this treason; to which purpose there were four means used.

First, Catesby was commended to the Marquis† for a regiment of horse in the Low Countries, (which is the same that the Lord Arundel now hath,) that under that pretence he might have furnished this treason with horses without suspicion. The second means was an oath, which they solemnly and severally took, as well for secrecy as perseverance and constancy in the execution of their plot. This oath was, by Gerard the Jesuit, given to Catesby, Percy, John Wright, and Thomas Winter at once; and by Greenwell the Jesuit, to Bates at another time, and so to the rest. The third was the sacrament, which they impiously and devilishly pro-

* See Thomas Winter's Examination on the 23d November, *post*, where these words occur.

† This alludes to the Marquis Spinola, the commander of cavalry in the Archduke Albert's army.

faned to this end. But the last was their perfidious and perjurious equivocating, abetted, allowed, and justified by the Jesuits, not only simply to conceal or deny an open truth, but religiously to aver, to protest upon salvation, to swear that which themselves know to be most false; and all this by reserving a secret and private sense inwardly to themselves, whereby they are, by their ghostly fathers, persuaded, that they may safely and lawfully elude any question whatsoever.

The last Consideration is concerning the admirable discovery of this treason, which was by one of themselves*, who had taken the oath and sacrament, as hath been said, against his own will: the means was by a dark and doubtful letter sent to my Lord Mounteagle.

And thus much as touching the Considerations. The Observations to be considered in this Powder Treason, are briefly thus:—1. If the cellar had not been hired, the mine work could hardly, or not at all have been discovered, for the mine was neither found or suspected until the danger was past, and the capital offenders apprehended, and by themselves, upon examination, confessed. 2. How the King was divinely illuminated by Almighty God, “the only ruler of princes,” like an angel of God, to direct and point, as it were, to the very place, to cause a search to be made there, out of those dark words of the letter concerning “a terrible blow.” 3. Observe a miraculous accident which befel in Stephen Littleton’s house called Holbeach, in Staffordshire, after these traitors had been two days in open rebellion, immediately before their apprehension; for some of them standing by the fire-side, and having set two pounds and a half of powder to dry in a platter before the fire, and under-set the said platter with a great linen bag full of other powder, containing some fifteen or sixteen pounds; it so fell out, that one coming to put more wood into the fire, and casting it on, there flew a coal into the platter, by reason whereof the powder taking fire and blowing up, scorched those who were nearest, as Catesby, Grant,

* This statement, if it were really made by Sir Edward Coke, is in express violation of the directions contained in Lord Salisbury’s letter, *ante*, p. 120; but no reliance can be placed upon the accuracy of this report of his words.

and Rookwood, and blew up the roof of the house; and the linen bag, which was set under the platter, being therewith suddenly carried out through the breach, fell down in the court-yard whole and unfired, which if it had taken fire in the room, would have slain them all there, so that they never should have come to this trial; and "*Lex justior nulla est, quam necis artifices arte perire sua.*" 4. Note, that gunpowder was the invention of a friar, one of the Romish rabble, as printing was of a soldier. 5. Observe the sending of Baynham, one of the "Damned Crew*," to the high-priest of Rome, to give signification of this blow, and to crave his direction and aid. 6. That for all their stirring and rising in open rebellion, and notwithstanding the false rumours given out by them, "that the throats of all Catholics should be cut," such is his Majesty's blessed government, and the loyalty of his subjects, as they got not any one man to take their parts besides their own company. 7. Observe the sheriff, the ordinary minister of justice, according to the duty of his office, with such power as he on a sudden by law collected, suppressed them. 8. That God suffered their intended mischief to come so near the period, as not to be discovered but within few hours before it should have been executed.

I am now come to the last part, which I proposed in the beginning of this discourse; and that is, touching certain comparisons of this Powder Treason of the Jesuits with that of Raleigh, and the other of the priests, Watson and Clarke. 1. They had all one end, and that was the Romish Catholic cause. 2. The same means, namely, by Popish and discontented persons, priests, and laymen. 3. They all played at hazard; the priests were at the bye, Raleigh at the main, but these in it all; as purposing to destroy all the King's royal issue, and withal the whole estate. 4. They were all alike obliged by the same oath and sacrament. 5. The same proclamations were intended, after the fact, to be published for reformation of abuses. 6. The like army provided for invad-

* There are no traces of this society, either as to its nature, origin, or component members, in any contemporaneous author, or in the unpublished correspondence of the time. Sir Edmund Baynham was captain of the "Damned Crew."

ing, to and at Milford Haven or in Kent. 7. The same pensions of crowns promised. 8. The agreeing of the times of the treason of Raleigh and these men, which was when the constable of Spain was coming hither.

I say not that we have any proofs that these of the Powder Plot were acquainted with Raleigh, or Raleigh with them; but, as before was spoken of the Jesuits and priests, they all were joined in the ends, like Sampson's foxes in the tails, howsoever severed in their heads.

The conclusion shall be from the admirable clemency and moderation of the King; in that, howsoever, these traitors have exceeded all others their predecessors in mischief, and so "*Crescente malitia, crescere debuit et pœna;*" yet neither will the King exceed the usual punishment of law, nor invent any new torture or torment for them*, but is graciously pleased to afford them as well an ordinary course of trial as an ordinary punishment, much inferior to their offence. And surely worthy of observation is the punishment by law provided and appointed for high treason; for first, after a traitor hath had his just trial, and is convicted and attainted, he shall have his judgment, to be drawn to the place of execution from his prison, as being not worthy any more to tread upon the face of the earth whereof he was made: also for that he hath been retrograde to nature, therefore is he drawn backward at a horse-tail. And whereas God hath made the head of man the highest and most supreme part, as being his chief grace and ornament, he must be drawn with his head declining downward, and lying so near the ground as may be, being thought unfit to take benefit of the common air; for which cause also he shall be strangled, being hanged up by the neck between heaven and earth, as deemed unworthy of both or either; as likewise, that the eyes of men may behold, and their hearts condemn him. His bowels and inward

* In a letter from Sir Edward Hoby to Sir Thomas Edmondes, dated 10th February, 1605-6, the former says, "There were some motions made in Parliament about a more sharp death for the gunpowder conspirators." This circumstance is also mentioned in the Journals.

parts taken out and burnt, who inwardly had conceived and harboured in his heart such horrible treason. After to have his head cut off, which had imagined the mischief. And lastly, his body to be quartered, and the quarters set up in some high and eminent place, to the view and detestation of men, and to become a prey for the fowls of the air. And this is a reward due to traitors, whose hearts be hardened; for that it is a physic of state and government, to let our corrupt blood from the heart.

True repentance is indeed never too late; but late repentance is seldom found true: yet I pray the merciful Lord to grant unto them a true repentance, that having a sense of their offences, they may make a sincere confession, both for their souls' health, and for the good and safety of the king and his state.

After this speech Mr. Attorney-General desired, that although that which had been already confessed at the bar by several of the prisoners might be all sufficient for the declaration and justification of the course of justice; yet, for further satisfaction to so great a presence and audience, and their better memory of the carriage of these treasons, he prayed that the proofs of the treasons, and the voluntary and free confessions of all the said several traitors in writing, subscribed with their own proper hands, and acknowledged by themselves to be true, should be openly and distinctly read.

And first, in proof of what he had stated as above, Mr. Attorney-General desired certain evidences to be read relating to the Spanish treason, at the end of the late Queen's reign. To this intent was read an extract from an examination* of Guido Fawkes, taken the 25th day of November, 1605, before the Lords Commissioners.

' He saith, that Thomas Winter told him, that the year
' before the late Queen died he was sent by Catesby and
' others into Spain, with a certain Jesuit named Tes-
' mond, but commonly called Greenwell, in order to pro-
' pose to the Spanish King to send an army to Milford
' Haven; at which time the Catholics were endeavour-

* Abbott's Antilogia, p. 161

ing to collect two thousand, or one thousand five hundred horse to join with the Spanish army. That the King of Spain promised to place one hundred thousand crowns at their disposal. Whereupon Winter and Greenwell returned into England, but whether together or separately he doth not know.'

Then was further read, as to this same matter, an examination* of Francis Tresham, taken before the Lords Commissioners on the 29th day of November, 1605, as follows — 'He being demanded whether ever he were acquainted with any negotiation in Spain for bringing over forces into England, with promise that the Catholics of England should assist the King, answereth that he utterly denieth it.

'Being advised to bethink himself better, that thereby it might appear how he should deserve to be trusted in any thing, to deal clearly, whether Thomas Winter went not over into Spain with his privity, he for answer utterly denieth it.

'But now, being put in mind that he was privy to the sending over and employment of Thomas Winter to the King of Spain, about a year before the Queen's death, answereth, that he did take it that the former questions had extended to the King's reign that now is; but now confesseth that he was acquainted and privy to the sending over and employment of Thomas Winter into Spain. Being demanded what other persons were privy or acquainted with Thomas Winter's employment into Spain, besides † Catesby, and Greenwell, whom Winter, amongst others, had upon his examination before named, he confesseth that Father Garnet, otherwise Walley, the Jesuit, and Father Greenway, were by them drawn to be acquainted with Winter's employment into Spain, to give the more credit unto it. And saith, that more than the persons above named he remembreth not to be acquainted with Winter's employment into Spain.'

After this Mr. Attorney desired the certain examina-

* State-Paper Office.

† Here the words "the Lord Mounteagle," are plainly to be discerned on the original paper, though great pains have been taken to obliterate them.

tions of Fawkes, touching his own embassy to Spain from Flanders, and that of Christopher Wright, from England, in the first year of the King's reign, might be produced. Accordingly, an examination* of Guido Fawkes, taken before the Lords Commissioners on the 25th of November, was then read as follows:—

' He saith, that Christopher Wright had been in Spain about two months before this examine arrived there, who was likewise employed by Baldwin, Owen, and Sir William Stanley, from Brussels into Spain. This examine's employment was to give advertisement to the King of Spain how the King of England was like to proceed rigorously with the Catholics; and withal that it would please him to bring an army into England to Milford Haven, where they would assist him.'

To the same point was also read an extract† from an examination of Guido Fawkes, taken the last day of November, 1605, before the Lord Chief Justice, his Majesty's Attorney-General, and Edward Forset, Esq.

' Father Baldwin told this examine that about two thousand horses would be provided by the Catholics of England to join with the Spanish forces; horses being of all other things those necessaries that the Spanish force should stand in greatest need; and wished this examine to intimate so much to Father Cresswell, which this examine did; and saith that Father Baldwin did write to Father Cresswell, which letter this examine delivered. He saith that Cresswell told him that Christopher Wright was come upon the same business; and also that Cresswell wished to inform the King of Spain with the matter, which was done, and that he was then sent to the Duke of Lerma to signify his message to him; and saith, that when he left Spain he had letters of commendation from Cresswell to the Marquis Spinola.

Then, by Mr. Attorney's direction, were read the several declarations and confessions of the prisoners respecting the Powder Treason in particular.

* This examination is taken from the Tanner MSS., in the Bodleian Library, vol. lxxv. p. 196.

† This examination is taken partly from the Tanner MSS. and partly from Abbott's Antilogia, p. 168.

And first was read a Declaration * of Guido Fawkes, signed by himself, and made before Sir Edward Coke, Knight, His Majesty's Attorney, and Mr. Lieutenant of the Tower, dated the 17th of November, 1605:—

' I confess that a practice, in general, was first broken
' unto me against His Majesty, for relief of the Catholic
' cause, and not invented or propounded by myself. And
' this was first propounded unto me about Easter last
' was twelvemonth, beyond the seas, in the Low Coun-
' tries, of the Archduke's obeisance, by Thomas Winter,
' who came thereupon with me into England, and there
' we imparted our purpose to three other gentlemen more,
' namely, Robert Catesby, Thomas Percy, and John
' Wright; who all five consulting together of the means
' how to execute the same; and taking a vow among
' ourselves for secrecy, Catesby propounded to have it
' performed by gunpowder, and by making a mine under
' the upper House of Parliament, which place we made
' choice of the rather, because religion having been
' unjustly suppressed there, it was fittest that justice and
' punishment should be executed there. This being
' resolved amongst us, Thomas Percy hired a house at
' Westminster for that purpose, near adjoining to the
' Parliament House, and there we began to make our
' mine about the 11th of December, 1604. The five that
' first entered into the work were Thomas Percy, Robert
' Catesby, Thomas Winter, John Wright, and myself;
' and soon after we took another unto us, Christopher
' Wright, having sworn him also, and taken the sacra-
' ment for secrecy. When we came to the very founda-
' tion of the wall of the house, which was about three
' yards thick, and found it a matter of great difficulty,
' we took unto us another gentleman, Robert Keyes †,
' in like manner, with the oath and sacrament as afore-
' said. It was about Christmas when we brought our

* This Declaration is taken from the original in the State-Paper Office: it is verbatim the same with that published by the Government in the 'Manner of the Discovery of the Gunpowder Plot,' with the exception of one or two garbled paragraphs.

† We have already remarked upon this substitution of the name of Winter for that of Keyes in this Declaration, as published by the Government. See *ante*, p. 6.

' mine under the wall, and about Candlemas we had
 ' wrought the wall half through ; and whilst they were
 ' in working I stood as sentinel, to descry any man that
 ' came near, whereof I gave them warning, and so they
 ' ceased, until I gave notice again to proceed. All we
 ' seven lay in the house, and had shot and powder,
 ' being resolved to die in that place before we should
 ' yield or be taken. Whilst they were a-working upon
 ' the wall they heard a rushing in a cellar of removing of
 ' coals, whereupon we feared we had been discovered,
 ' and they sent me to go to the cellar, who, finding that
 ' the coals were a-selling, and that the cellar was to be
 ' let, viewing the commodity thereof for our purpose,
 ' Percy went and hired the same for yearly rent. We
 ' had before this provided and brought into the house
 ' twenty barrels of powder, which we removed into the
 ' cellar, and covered the same with billets and faggots,
 ' which we provided for that purpose. About Easter the
 ' Parliament being prorogued till October next, we dis-
 ' persed ourselves ; and I returned into the Low Coun-
 ' tries *, lest by my longer stay I might have grown
 ' suspicious, and so have come in question. In the
 ' mean time Percy, having the key of the cellar, laid in
 ' more powder and wood into it. I returned about the
 ' beginning of September next, and then, receiving the key
 ' again of Percy, we brought in more powder and billets
 ' to cover the same again, and so I went for a time into
 ' the country, till the 30th of October. It was further
 ' resolved amongst us that the same day that this act
 ' should have been performed, some other of our confe-
 ' derates should have surprised the person of the Lady
 ' Elizabeth, the King's eldest daughter, who was kept in
 ' Warwickshire, at the Lord Harrington's house, and
 ' presently have proclaimed her queen, having a project
 ' of a proclamation ready for that purpose ; wherein we
 ' made no mention of altering religion, nor would have
 ' avowed the deed to be ours until we should have had

* In the copy printed in the ' Manner of the Discovery of the
 Gunpowder Plot,' the following paragraph was here inserted for
 an object which has been already pointed out ; [" by advice
 and direction of the rest, as well to acquaint Owen with the par-
 ticulars of the Plot as also."]

‘ power enough to make our party good, and then we
 ‘ would have avowed both. Concerning Duke Charles,
 ‘ the King’s second son, we had sundry consultations
 how to seize on his person; but because we found no
 ‘ means how to compass it, the Duke being kept near
 London, where we had not forces enough, we resolved
 ‘ to serve our turn with the Lady Elizabeth.’

Next was read a part of an examination * of Robert Winter, Esq., taken the 17th of January, before the Lords Commissioners.

‘ He confesseth that he knoweth the sign of the Ca-
 ‘ therine Wheel in Oxford, and that he was there about
 ‘ this time twelvemonth; and that he was sent for
 ‘ thither by Mr. Catesby, and that he and John Grant
 ‘ came thither, and now confesseth, upon his knees, that
 ‘ there he was acquainted by Mr. Catesby, in the presence
 ‘ of his brother Thomas Winter, with the project of the
 ‘ powder, and so was John Grant also, they both having
 ‘ first received an oath of secrecy by the hands of Mr.
 ‘ Catesby, which oath hath been the occasion that he
 ‘ hath used so much reservedness, for which he craveth
 ‘ pardon.’

Then was read part of a letter from Robert Winter to the Lords Commissioners, as follows:—

‘ Tuesday the 21st of
 January, 1605-6.

‘ My very honourable good Lords,

‘ After my being sworn to secrecy, both directly and
 ‘ indirectly, I instantly conferred with Catesby why he
 ‘ would undergo any such project, especially one so
 ‘ dangerous, which (as I thought) was impossible to
 ‘ take any effect without either foreign aid or some
 ‘ great men home to join therein. He forswore both,
 ‘ saying, for great men he knew none he durst trust.
 ‘ “ Well (quoth I), if it come to light (as most things
 ‘ of this nature doth), it would, without extraordinary
 ‘ grace from the King, both scandalize all other Catholics
 ‘ in his Highness’s opinion, and utterly ruin all our lives
 ‘ and states;” who answered that all Catholics’ estates
 ‘ were already desperate, and that he well knew, ere the

* State-Paper Office.

' Parliament ended, there would be such laws made as should bring all Catholics within præmunire at the least. I answered, "God forbid." He said that sure it would be so, saying, all foreign princes, their ambassadors, had been here and had done nothing for Catholics, neither did he hope of good from any of them, and therefore he had resolved of that course; so we ended for that time. At Easter term following, when we met (which was at Lambeth), he, ere I parted, told me that his project yet stood well; I answered, "God grant it be well;" and further said, that Mr. Fawkes was gone over to see if he could raise friends. I asked after whom he hoped? He assured me he yet knew none, but would tell me more if he might when Mr. Fawkes came home, who would not return until near Michaelmas.

' For his course at home he made sure account, by Percy's familiarity, to surprise the young prince; which done, or if he found it impossible, then would he, with his own company, the Wrights and Percy and the rest, come down to his own house at Ashby, and doubted not to take all the cart-horses in that country, and with them to surprise the Lady Elizabeth at my Lord Harrington's house, and then would take the stable at Warwick, and the armour at my Lord Windorsors, and "by that time I hope," quoth he, "some friends will come and take our parts." All this speech he used in the town, or near thereabouts, this term.

' Upon Catesby's coming from the Bath, which was near Michaelmas, he came to my house, where he staid some three days; then he caused me to send for the two Littletons. To Stephen Littleton he promised a company of horse, assuring him he had the charge of three hundred horse given him, either by the Archduke or Spinola, I do not remember which. To Humphrey Littleton he promised to take a base boy of his for his page. Mr. Catesby desired both the Littletons to give him meeting at Dunchurch, when he should send for them, which they should hear of from me; and that thereabouts, ere long, he would be merry some three or four days, and ere they parted each of them should know against what day to provide himself; Stephen

‘ Littleton of such horses as he meant to carry over ;
‘ Humphrey to furnish his boy. Upon warning from
‘ Catesby I sent them word. Stephen Littleton came to
‘ me to Coventry the 4th of November. On Tuesday
‘ morning came Humphrey. Then we all rode towards
‘ Dunchurch, near the town’s end ; I left them and rode
‘ on to Ashby, where I found the Lady Catesby, who
‘ had some two months before been at my house, and
‘ had acquainted me with some suits new begun (as I
‘ remember she said) betwixt herself and her son, and
‘ desired my friendly assistance to end them. When I
‘ came thither, being the 5th of November, I told my
‘ Lady Catesby I was come of purpose to end the contro-
‘ versy betwixt herself and her son, and how I looked
‘ for him either that night or the next morning.

‘ As I was there, about six of the clock, Catesby sent
‘ for me into the fields, hard by the town’s end, and
‘ willed me to take my horse, and come and speak with
‘ him, but that I should not let his mother know of his
‘ being there. So I went to him, who told me that Mr.
‘ Fawkes was taken, and the whole plot discovered. I
‘ asked “ what he would do ? ” I thought no course so
‘ good as every one to submit himself, and, by God’s
‘ grace, his Majesty would yield the least deservers some
‘ favour. He said “ he would ride to Dunchurch, and
‘ there consult.” When we came thither, the whole
‘ house was full. Here Humphrey Littleton left us.
‘ Then was it thought fit that we should ride on to my
‘ brother Grant’s ; by the way (as I was behind), Catesby,
‘ the elder Wright, and Percy had determined to take
‘ the stable at Warwick, and for that purpose had sent
‘ certain before I knew thereof. I persuaded Catesby
‘ what I could, when I came to him, to let it alone,
‘ alleging that it would certainly make a great uproar in
‘ the country, and that once done, we might not rest any
‘ where, the country would so rise about us ; besides we
‘ should further incur the just wrath of our gracious
‘ King. His answer was, “ some of us may not look
‘ back.” “ But,” quoth I, “ others, I hope, may ; and
‘ therefore I pray you let this alone.” “ What, hast
‘ thou any hope, Robin ? ” quoth he, “ I assure thee
‘ there is none that knoweth of this action but shall

‘perish.’ For ought I could say, they continued their purpose of taking the horses, and ere I came over the bridge I heard one of the horses neigh, that was then taken out of the stable; and by that time I came up, they were near all ready, so as every one that wanted a horse took one, and turned up their tired ones. I think there was taken from the stable at Warwick some ten horses. Thence we went to my brother Grant’s, where we staid some hour; then was it thought fit we should all go to my house, which was in another county.

‘After our departure from Holbeach about some ten days, we met Humphrey Littleton, and we then entreated him to seek out one Mr. Hall for us, and desire him to help us to some resting-place. About some eight days after he met us again, and told us he could get no promise at all, nor answer for a fortnight, at which time Humphrey Littleton sent us word that he was longer delayed, and they should have no answer until near Christmas; about which time he after told me, that there had been one sent for me, by Mr. Hall’s means, to fetch me away, but he had returned him, and appointed him to come again after Christmas, and take us both away. I asked him “whither we should go?” He said, we were then to go far thence, but whither, he sware he knew not. This is all I remember touching the whole course I have unfortunately run. If ought else come to my memory, I shall make it known to your Honours. But I think I have left no material thing untold. So I rest your Honours’ most humbly,

‘ROBERT WINTOUR.

‘Postscript.—I confess that on Thursday the 7th of November, I did confess myself to Hammond the priest, as other gentlemen did, and was absolved, and received the sacrament.’

Then was read part of an Examination* of Thomas Winter, taken before the Lords Commissioners on the 17th of January, 1605-6, as follows:—

‘He confesseth that Mr. Catesby, John Grant, and this examinee were together at Oxford when this examinee’s brother, Robert Winter, was acquainted with the project of the powder, and took the oaths of secrecy

* State-Paper Office.

there. And Percy and both the Wrights gave their consents to the calling in of Robert Winter, and it was between Christmas and Lent last that Robert Winter and John Grant were called in.'

Then was read part of a Letter* from Thomas Winter to the Lords Commissioners, dated the 23d of November, 1605, and afterwards acknowledged by him before them.

My most honourable Lords,—I remained with my brother in the country, from Allhallow's-tide until the beginning of Lent, in the year of our Lord 1603, the first year of the King's reign; about which time Mr. Catesby sent thither, entreating me to come to London, where he and other of my friends would be glad to see me. I desired him to excuse me, for I found myself not very well disposed; and, which had happened never to me before, returned the messenger without my company. Shortly I received another letter in any wise to come. At the second summons I presently came up, and found him with Mr. John Wright, at Lambeth, where he broke with me how necessary it was not to forsake our country (for he knew I had then a resolution to go over), but to deliver her from the servitude in which she remained, or at least to assist her with our uttermost endeavours. I answered, that I had often hazarded my life upon far lighter terms, but now would not refuse any good occasion, wherein I might do service to the Catholic cause; but, for myself, I knew no mean probable to succeed. He said that he had bethought him of a way, at one instant, to deliver us from all bonds, and, without any foreign help, to replant again the Catholic religion, and withal told me in a word, it was to blow up the Parliament House with gunpowder; "for," said he, "in that place have they done us all the mischief, and perchance God hath designed that place for their punishment." I wondered at the strangeness of the conceit, and told him that

* 'Manner of the Discovery of the Gunpowder Plot,' p. 46. A copy only of the letter is in the State-Paper Office, which agrees entirely with that printed in the text. There is no positive authority to prove that it was read on the trial, but it seems most probable that it was so, as the facts it contains are frequently referred to in the speech of the Attorney-General.

' true it was, this struck at the root, and would breed
 ' a confusion fit to beget new alterations ; but if it should
 ' not take effect (as most of this nature miscarried), the
 ' scandal would be so great which the Catholic religion
 ' might hereby sustain, as not only our enemies but our
 ' friends also would, with good reason, condemn us."
 ' He told me, "the nature of the disease required so
 ' sharp a remedy," and asked me if I would give my
 ' consent. I told him "yes ; in this or what else soever,
 ' if he resolved upon it, I would venture my life." But I
 ' proposed many difficulties, as want of a house, and of
 ' one to carry the mine, noise in the working, and such
 ' like. His answer was, "Let us give an attempt, and
 ' where it faileth, pass no further." "But first," quoth
 ' he, "because we will leave no peaceable and quiet way
 ' untried, you shall go over and inform the Constable of
 ' the state of the Catholics here in England, entreating
 ' him to solicit his Majesty, at his coming hither, that
 ' the penal laws may be recalled, and we admitted into
 ' the rank of his other subjects ; withal, you may bring
 ' over some confident gentleman, such as you shall un-
 ' derstand best able for this business ;" and named unto
 ' me Mr. Fawkes. Shortly after I passed the sea, and
 ' found the Constable at Bergen, near Dunkirk, where,
 ' by help of Mr. Owen, I delivered my message ; whose
 ' answer was, that he had strict command from his
 ' master to do all good offices for the Catholics, and, for
 ' his own part, he thought himself bound in conscience
 ' so to do, and no good occasion should be omitted, but
 ' spoke to him nothing of this matter.

' Returning to Dunkirk with Mr. Owen, we had
 ' speech, whether he thought the Constable would faith-
 ' fully help us, or no. He said he believed nothing less,
 ' and that they sought only their own ends, holding
 ' small account of Catholics. I told him that there were
 ' many gentlemen in England who would not forsake
 ' their country, until they had tried the uttermost, and
 ' rather venture their lives than forsake her in this
 ' misery. And to add one more to our number, as a fit
 ' man both for counsel and execution of whatsoever we
 ' should resolve, wished for Mr. Fawkes, whom I had
 ' heard good commendations of: he told me "the gentle-

‘ man deserved no less, but was at Brussels; and that if
‘ he came not, as happily he might before my departure,
‘ he would send him shortly after into England.” I went
‘ soon after to Ostend, where Sir William Stanley, as
‘ then, was not, but came two days after. I remained
‘ with him three or four days, in which time I asked him
‘ “ if the Catholics in England should do any thing to
‘ help themselves, whether he thought the Archduke
‘ would second them ?” He answered, “ No ; for all
‘ those parts were so desirous of peace with England, as
‘ they would endure no speech of other enterprise ;”
‘ “ neither were it fit,” said he, “ to set any project afoot,
‘ now the peace is on concluding.” I told him there was
‘ no such resolution, and so fell to discourse of other
‘ matters, until I came to speak of Mr. Fawkes, whose
‘ company I wished over into England. I asked of his
‘ sufficiency in the wars, and told him “ we should need
‘ such as he, if occasion required :” he gave very good
‘ commendations of him. And as we were thus dis-
‘ coursing, and ready to depart for Newport, and taking
‘ my leave of Sir William, Mr. Fawkes came into our
‘ company newly returned, and saluted us. “ This is the
‘ gentleman,” said Sir William, “ that you wished for,”
‘ and so we embraced again. I told him, “ some good
‘ friends of his wished his company in England, and that
‘ if he pleased to come to Dunkirk, we would have fur-
‘ ther conference, whither I was then going :” so taking
‘ my leave of them both, I departed. About two days
‘ after came Mr. Fawkes to Dunkirk, where I told him
‘ “ we were upon a resolution to do somewhat in Eng-
‘ land, if the peace with Spain helped us not, but as yet
‘ resolved upon nothing.” Such or the like talk we
‘ passed at Graveling, where I lay for a wind, and
‘ when it served came both in one passage to Green-
‘ wich, near which place we took a pair of oars, and so
‘ came up to London, and came to Mr. Catesby, whom
‘ we found in his lodging. He welcomed us into Eng-
‘ land, and asked me “ what news from the Constable ?”
‘ I told him, “ good words, but I feared the deeds would
‘ not answer.” This was the beginning of Easter term ;
‘ and about the midst of the same term, whether sent
‘ for by Mr. Catesby, or upon some business of his own,

‘ up came Mr. Thomas Percy. The first word he spoke, after he came into our company, was, “ Shall we always, gentlemen, talk, and never do any thing?” Mr. Catesby took him aside, and had speech about somewhat to be done, so as first we might all take an oath of secrecy, which we resolved within two or three days to do ; so as there we met behind St. Clement’s, Mr. Catesby, Mr. Percy, Mr. Wright, Mr. Guy Fawkes, and myself ; and having upon a primer given each other the oath of secrecy, in a chamber where no other body was, we went after into the next room and heard mass, and received the blessed sacrament upon the same. Then did Mr. Catesby disclose to Mr. Percy, and I, together with Jack Wright, tell to Mr. Fawkes the business for which we took this oath, which they both approved. And then was Mr. Percy sent to take the house which Mr. Catesby, in my absence, had learned did belong to one Ferris, which, with some difficulty, in the end, he obtained, and became as Ferris before was, tenant to Whinniard. Mr. Fawkes underwent the name of Mr. Percy’s man, calling himself Johnson, because his face was the most unknown, and received the keys of the house, until we heard the Parliament was adjourned to the 7th of February ; at which time we all departed several ways into the country, to meet again at the beginning of Michaelmas term. Before this time also it was thought convenient to have a house that might answer to Mr. Percy’s, where we might make provision of powder and wood for the mine, which being there made ready, should in a night be conveyed by boat to the house by the Parliament, because we were loth to foil that with often going in and out. There was none that we could devise so fit as Lambeth, where Mr. Catesby often lay ; and to be keeper thereof, by Mr. Catesby’s choice, we received into the number Keyes, as a trusty honest man ; this was about a month before Michaelmas.

‘ Some fortnight after, towards the beginning of the term, Mr. Fawkes and I came to Mr. Catesby at Morecrofts*, where we agreed that now was time to begin and set things in order for the mine. So as

* Moorfields.

‘ Mr. Fawkes went to London, and the next day sent
‘ for me to come over to him; when I came, the cause
‘ was for that the Scottish lords were appointed to sit in
‘ conference of the union in Mr. Percy’s house. This
‘ hindered our beginning until a fortnight before Christ-
‘ mas, by which time both Mr. Percy and Mr. Wright
‘ were come to London, and we against their coming had
‘ provided a good part of the powder; so as we all five
‘ entered with tools fit to begin our work, having pro-
‘ vided ourselves of baked meats, the less to need send-
‘ ing abroad. We entered late in the night, and we never
‘ saw, save only Mr. Percy’s man, until Christmas eve.
‘ In which time we wrought under a little entry to the
‘ wall of the Parliament House, and underpropped it, as
‘ we went, with wood.

‘ Whilst we were together we began to fashion our
‘ business, and discourse what we should do after this
‘ deed was done. The first question was, how we might
‘ surprise the next heir; the Prince haply would be at
‘ the Parliament with the King his father; how should
‘ we then be able to seize on the Duke? This burthen
‘ Mr. Percy undertook, that by his acquaintance, he,
‘ with another gentleman, would enter the chamber with-
‘ out suspicion; and having some dozen others at several
‘ doors to expect his coming, and two or three on horse-
‘ back at the court-gate to receive him, he would under-
‘ take (the blow being given, until which he would attend
‘ in the Duke’s chamber) to carry him safe away; for he
‘ supposed most of the court would be absent, and such
‘ as were there not suspecting, or unprovided for any
‘ such matter. For the Lady Elizabeth, it were easy to
‘ surprise her in the country, by drawing friends toge-
‘ ther at a hunting near the Lord Harrington’s; and
‘ Ashby, Mr. Catesby’s house, being not far off, was a
‘ fit place for preparation. The next was for money and
‘ horses, which, if we could provide in any reasonable
‘ measure, having the heir-apparent, and the first know-
‘ ledge by four or five days, was odds sufficient. Then
‘ what lords we should save from the Parliament, which
‘ was first agreed in general, as many as we could that
‘ were Catholics, or so disposed; but next we descended
‘ to speak of particulars.—Next, what foreign princes we

‘ should acquaint with this before, or join with after.
‘ For this point we agreed, that first we could not enjoin
‘ princes to that secrecy, nor oblige them by oath, so as
‘ to be secure of their promise; besides, we knew not
‘ whether they will approve the project or dislike it. And
‘ if they do allow thereof, to prepare before might be-
‘ get suspicion; and, not to provide until the business
‘ were acted, the same letter that carried news of the
‘ thing done, might as well entreat their help and fur-
‘ therance. Spain is too slow in his preparations, to
‘ hope any good from in the first extremities, and France
‘ too near and too dangerous, who, with the shipping of
‘ Holland, we feared of all the world might make away
‘ with us.

‘ But while we were in the middle of these discourses,
‘ we heard that the Parliament should be anew adjourned
‘ until after Michaelmas; upon which tidings we broke
‘ off both discourse and working until after Christmas.
‘ About Candlemas we brought over in a boat the powder
‘ which we had provided at Lambeth, and laid it in Mr.
‘ Percy’s house, because we were willing to have all
‘ danger in one place. We wrought also another fort-
‘ night in the mine against the stone wall, which was
‘ very hard to beat through; at which time we called in
‘ Kit Wright, and near to Easter, as we wrought the
‘ third time opportunity was given to hire the cellar, in
‘ which we resolved to lay the powder and leave the
‘ mine.

‘ Now, by reason that the charge of maintaining us all
‘ so long together, besides the number of several houses,
‘ which for several uses had been hired, and buying of
‘ powder, &c. had lain heavy on Mr. Catesby alone to
‘ support, it was necessary for him to call in some others
‘ to ease his charge; and to that end desired leave that
‘ he, with Mr. Percy, and a third, whom they should
‘ call, might acquaint whom they thought fit and will-
‘ ing to the business; “for many,” said he, “may be
‘ content that I should know, who would not therefore
‘ that all the company should be acquainted with their
‘ names.” To this we all agreed. After this Master
‘ Fawkes laid into the cellar (which he had newly taken)
‘ a thousand billets and five hundred faggots, and with

' that covered the powder, because we might have the
 ' house free, to suffer any one to enter that would. Mr.
 ' Catesby wished us to consider, whether it were not now
 ' necessary to send Mr. Fawkes over, both to absent him-
 ' self for a time, as also to acquaint Sir William Stanley
 ' and Mr. Owen with this matter. We agreed that he
 ' should (provided that he gave it them, with the same
 ' oath that we had taken before), viz. to keep it secret
 ' from all the world. The reason why we desired Sir
 ' William Stanley should be acquainted herewith was,
 ' to have him with us as soon as he could; and for Mr.
 ' Owen he might hold good correspondence after with
 ' foreign princes. So Mr. Fawkes departed about Easter
 ' for Flanders, and returned the latter end of August.
 ' He told me that when he arrived at Brussels, Sir Wil-
 ' liam Stanley was not returned from Spain, so as he
 ' uttered the matter only to Owen, who seemed well
 ' pleased with the business, but told him that surely Sir
 ' William would not be acquainted with any plot, as hav-
 ' ing business now a-foot in the court of England; but
 ' he himself would be always ready to tell it him, and
 ' send him away as soon as it were done.

' About this time did Mr. Percy and Mr. Catesby
 ' meet at the Bath, where they agreed that, the company
 ' being yet but few, Mr. Catesby should have the others'
 ' authority to call in whom he thought best; by which
 ' authority he called in after Sir Everard Digby, though
 ' at what time I know not, and last of all Mr. Francis
 ' Tresham. The first promised, as I heard Mr. Catesby
 ' say, £1500, the second £2000. Mr. Percy himself
 ' promised all he could get out of the Earl of Northum-
 ' berland's rents, which was about £4000, and to pro-
 ' vide many galloping horses, to the number of ten*.
 ' Meanwhile Mr. Fawkes, and myself alone, bought some
 ' new powder, as suspecting the first to be damp, and
 ' conveyed it into the cellar, and set it in order as we
 ' resolved it should stand. Then was the Parliament
 ' anew prorogued until the 5th of November, so as we

* It is here that in the margin of the original paper the words
 "an unclare phrase" appear in the King's hand-writing. See
ante, p. 7.

all went down until some ten days before, when Mr. Catesby came up with Mr. Fawkes to a house by Enfield Chase, called White Webbe's, whither I came to them, and Mr. Catesby willed me to inquire whether the young Prince would come to the Parliament. I told him that I heard that his Grace thought not to be there. "Then must we have our horses," said Mr. Catesby, "beyond the water, and provision of more company to surprise the Prince, and leave the Duke alone." Two days after, being Sunday at night, in came one to my chamber, and told me that a letter had been given to my Lord Mouteagle, to this effect, that he wished his lordship's absence from the Parliament, because a blow would there be given; which letter he presently carried to my Lord of Salisbury. On the morrow I went to White Webbe's, and told it Mr. Catesby, assuring him withal that the matter was disclosed, and wishing him, in any case, to forsake his country. He told me he would see further as yet, and resolved to send Mr. Fawkes to try the uttermost, protesting, if the part belonged to himself, he would try the same adventure. On Wednesday Mr. Fawkes went, and returned at night, of which we were very glad. Thursday I came to London, and Friday Mr. Catesby, Mr. Tresham, and I met at Barnet, where we questioned how this letter should be sent to my Lord Mouteagle, but could not conceive, for Mr. Tresham forswore it, whom we only suspected. On Saturday night I met Mr. Tresham again in Lincoln's Inn Walks; wherein he told such speeches, that my Lord of Salisbury should use to the King, as I gave it lost the second time, and repeated the same to Mr. Catesby, who hereupon was resolved to be gone, but staid to have Mr. Percy come up, whose consent herein we wanted. On Sunday Mr. Percy, being dealt with to that end, would needs abide the uttermost trial.

The suspicion of all hands put us into such confusion, as Mr. Catesby resolved to go down into the country the Monday that Mr. Percy went to the Sion, and Mr. Percy resolved to follow the same night, or early the next morning. About five of the clock, being Tuesday, I went to the court-gates, and found them

straitly guarded, so as nobody could enter. From thence I went down towards the Parliament House, and in the middle of King-street found the guard standing, that would not let me pass. And as I returned I heard one say, "There is a treason discovered, in which the King and the Lords should have been blown up." So then I was fully satisfied that all was known, and went to the stable where my gelding stood, and rode into the country. Mr. Catesby had appointed our meeting at Dunchurch, but I could not overtake them until I came to my brother's, which was Wednesday night. On Thursday we took the armour at my Lord Windsor's, and went that night to one Stephen Littleton's house; where the next day, being Friday, as I was early abroad to discover, my man came to me, and said that a heavy mischance had severed all the company, for that Mr. Catesby, Mr. Rookwood, and Mr. Grant were burnt with gunpowder, upon which sight the rest dispersed. Mr. Littleton wished me to fly, and so would he. I told him I would first see the body of my friend and bury him, whatsoever befel me. When I came I found Mr. Catesby reasonable well, Mr. Percy, both the Wrights, Mr. Rookwood, and Mr. Grant. I asked them "what they resolved to do?" They answered, "We mean here to die." I said again, "I would take such part as they did." About eleven of the clock came the company to beset the house, and as I walked into the court, I was shot into the shoulder, which lost me the use of my arm; the next shot was the elder Wright struck dead; after him the younger Mr. Wright; and fourthly, Ambrose Rookwood. Then said Mr. Catesby to me (standing before the door they were to enter), "Stand by me, Tom, and we will die together." "Sir," quoth I, "I have lost the use of my right arm, and I fear that will cause me to be taken." So, as we stood close together, Mr. Catesby, Mr. Percy, and myself, they two were shot, as far as I could guess, with one bullet, and then the company entered upon me, hurt me in the belly with a pike, and gave me other wounds, until one came behind, and caught hold of both my arms. And so I remain yours, &c.

Then was read a part of the Declaration* of Guido Fawkes, made under the name of John Johnson, and taken on Tuesday the 5th of November, 1605, before the Lord Chief Justice of England, and Sir Edward Coke, Knt., His Majesty's Attorney-General:—

' He confesseth that about the end of August or the beginning of September, he returned from the Low Countries by Calais, and so to Dover, and from thence he came to an inn without Aldgate, hard by a tavern; and the next day he came to the lodging, near the Upper House of Parliament, and there this examine lay; and saith that his master, Thomas Percy, hired the house of Wynyard for twelve pounds rent, about a year and a half ago; and saith that before his going over his master lay in that house about three or four times, and that he hath been there ever since his coming over. He denieth that ever he was beyond the seas but once. He confesseth that about Christmas last he brought in the night time gunpowder to the cellar under the Upper House of Parliament, some by water and some by land; some whereof was put in hogsheads, some in barrels, and some in firkins; and saith that the last that was brought thither was about five or six barrels about a month past. And saith that the crows and other bars of iron were put into the top of certain of the vessels before he went into the Low Countries; and the reason that they were put there was to have made the breach the greater. And saith that the stones were laid there about a month past, since his return. And being demanded how he could have given fire to the same without danger to himself, saith that he meant to have fired the same by a match. And saith that he had touch-wood and match also, about eight or nine inches long, about him; and when they came to apprehend him he threw the touch-wood and match out of the window in his chamber, near the Parliament House, towards the water-side.

' And confesseth that when the King had come to the Parliament House this present day, and the Upper House had been sitting, he meant to have fired the match and have fled for his own safety before the

* State-Paper Office.

powder had taken fire. And confesseth that if he had not been apprehended this last night he had blown up the Upper House when the King, Lords, Bishops, and others had been there. And saith that he spake for and provided those bars and crows of iron, some in one place, some in another, in London, lest it should be suspected. And saith that he had some of them in or about Gracious Street. He saith that he knew not but by general report, and by making ready of the King's barge, that the King would come thither the first day of this Parliament; but confesseth his purpose was to have blown up the Upper House whensoever the King was there.

And being demanded if his purpose had taken effect, what should have been done with the Queen's Majesty and her royal issue, saith, that if they had been there he could not have helped them.

And being demanded if the King and his royal issue had been all taken away, whom should have been published or elected King, saith, we never entered into that consultation.

And being demanded when the King, his royal issue, the Nobles, Bishops, Judges, and the principal of the Commons were all destroyed, what government should have been, answereth, we were not grown to any determination therein; and, being but a few of them, they could not enter into such consideration, but that the people of themselves would have drawn to a head.

He confesseth that he hath known Mr. Percy two or three years, but served him not but about three months before the house was hired, as is aforesaid.

Being demanded what noblemen were warned that they should not be there at that time, answereth, we durst not forewarn them for fear we should be discovered. And being asked why he would be party to any act that might destroy any that was of his own religion, answereth, we meant principally to have respected our own safety, and would have prayed for them.

And confesseth that when this act had been done, they meant to have satisfied the Catholics that it was done for restitution of religion, and would have drawn

‘ others by publishing that it was done to prevent the
‘ union that was sought to be established at this Par-
‘ liament.

‘ Being further demanded who were party or privy to
‘ this conspiracy, answereth, that he cannot resolve to
‘ accuse any.

‘ Being asked who had the charge of the powder in
‘ the mean time, while he was absent, saith that he
‘ locked it up, and took away the key with him; and
‘ one Guibon’s wife, who dwells thereby, had the charge
‘ of the residue of the house.’

The Examination* of John Grant, taken the 17th of
January, 1605 :—

‘ He confesseth that about this time twelve months
‘ Robert Winter and this examine were first sworn to
‘ observe secrecy. And then Robert Winter was first
‘ acquainted with the project of the powder at Oxford,
‘ and after this examine; and there was present Tho-
‘ mas Winter. And Robert Winter and this examine
‘ returning together from Oxford, they had conference
‘ of this project, and Robert Winter said that it was a
‘ dangerous matter, and yet, in respect of his oath of
‘ secrecy and of his love to Mr. Catesby, he would keep
‘ it secret.’

Then was read the Declaration† of Guido Fawkes,
taken the 9th of November, 1605, before the Lords Com-
missioners.

‘ Thomas Winter came over into the Low Countries
‘ unto this examine about Easter was twelve months,
‘ expressly to break with him about some course to be
‘ taken for the advancement of the Catholic religion,
‘ which they did communicate to Owen at the camp be-
‘ fore Ostend, and three weeks after, this examine
‘ came into England in company of the said Winter, by
‘ whose means he was acquainted with Thomas Percy,
‘ Robert Catesby, and John Wright.

‘ They five did meet at a house in the fields beyond
‘ St. Clement’s Inn, where they did confer and agree
‘ upon the plot they meant to undertake and put in exe-
‘ cution, and there they took a solemn oath and vow, by
‘ all their force and power to execute the same, and of

* State-Paper Office.

† State-Paper Office.

‘ secrecy, not to reveal any of their fellows but to such
 ‘ as should be thought fit persons to enter into that
 ‘ action. And in the same house they did receive the
 ‘ sacrament of Gerrard the Jesuit, to perform their vow
 ‘ and of secrecy as is aforesaid*.

‘ The plot was to blow up the King, with all the no-
 ‘ bility about him in Parliament, as heretofore he hath
 ‘ declared, to which end they proceeded, as is set down
 ‘ in the examination taken before the Lords of the
 ‘ Council Commissioners yesternight, the 8th of No-
 ‘ vember; while they followed their vowed purpose there
 ‘ were taken into this society and confederacy these per-
 ‘ sons, viz. Everet Digby, Robert Keyes, Christopher
 ‘ Wright, Thomas Grant, Francis Tresham, Robert
 ‘ Winter, brother to Thomas Winter, and Ambrose
 ‘ Rookwood.

‘ He further saith that Thomas Percy came to the
 ‘ town expressly to see the action put in execution on
 ‘ the Saturday at night, before the beginning of the Par-
 ‘ liament, and went out of the town on the Monday night
 ‘ following; and confesseth also that the said Percy, this
 ‘ examinee, Robert Catesby, Thomas Winter, John and
 ‘ Christopher Wright met at the forenamed house, on
 ‘ the backside of Saint Clement’s Inn, on Sunday night
 ‘ last.

‘ He further saith that the Wednesday before his ap-
 ‘ prehension, he went forth of the town to a house in
 ‘ Enfield Chase, on this side of Theobald’s, where Wally
 ‘ doth lie, and thither came Robert Catesby, Grant, and
 ‘ Thomas Winter, where he staid until Sunday night
 ‘ following.

‘ He confesseth also that there was speech amongst
 ‘ them to draw Sir Walter Rawley to take part with
 ‘ them, being one that might stand them in good stead,
 ‘ as others in like sort were named.’

Then was read the Examination † of Ambrose Rook-
 wood, Esq., taken the 2d of December, 1605, before the

* In the original at the State-Paper Office the words ‘*but he saith that Gerrard was not acquainted with their purpose,*’ are here found, but are underlined in red ink, and the word *hucusque* is written by Sir E. Coke in the margin.

† State-Paper Office.

Lord Chief Justice, Mr. Attorney-General, and Mr. Lieutenant of the Tower.

‘ He saith that this examine having for a long time
‘ been inwardly acquainted with Mr. Catesby, whom this
‘ examine loved and respected as his own life, Catesby,
‘ at this examine’s lodging, at the sign of the Duck in
‘ St. Clement’s parish, about ten weeks past told this
‘ examine, for the ancient love that he had borne unto
‘ him, that he would impart some matter of importance
‘ unto him. But first in the presence of Catesby, Tho-
‘ mas Winter, and John Wright, Thomas Winter minis-
‘ tered an oath of secrecy unto him upon a primer. And
‘ then Catesby, in the presence and hearing of Winter
‘ and Wright, imparted unto him the plot of blowing up
‘ of the King and the Parliament House with powder.
‘ And this examine being somewhat amazed at it, asked
‘ how such as were Catholics, and divers other friends,
‘ should be preserved? To whom Catesby answered,
‘ that “there should be a trick put upon them.” And
‘ this examine said “that it was a matter of conscience
‘ to take away so much blood.” To whom Catesby an-
‘ swered “that he was resolved that in conscience it
‘ might be done,” and wished this examine so to satisfy
‘ himself. And saith that this examine being satisfied
‘ in conscience that he might do it, therefore he did not
‘ confess it, neither to any ghostly father, nor to any other.
‘ And saith that Catesby told him that he had not put
‘ the case in particular to any, but had put the like case;
‘ and that he was resolved by good authority that it
‘ be done. And this examine moving other scruples,
‘ Catesby told him that he had also asked advice whe-
‘ ther if it could not be done without the destruction of
‘ some innocents, whether the act might be done; and
‘ he was resolved that, rather than the action should fail,
‘ they must also suffer as the rest did, or words to the
‘ like effect.

‘ He confesseth that about Michaelmas was twelve
‘ months he bought, at the instance of Catesby, three
‘ or four barrels of powder; and for avoiding of sus-
‘ picion, Catesby willed him to carry it as secretly as he
‘ could to the house at Lambeth, whereof Keyes had the
‘ charge; and this examine caused the same to be

carried in a boat by him to the said house. And Catesby delivered unto him the money that paid for the powder; and Catesby told him that he would send it down unto some of his friends into the country; and saith that he knew not at that time to what end it should be employed. He saith that Catesby met with this examine at Robert Winter's house about six months before the 4th of November. And they willed this examine both for discharge of bonds, which this examine had entered into for Catesby, and for other business, to come up about All-Hollandtide; and accordingly this examine came up on Thursday, being All-Hallow's even*. And the next night Robert Keyes came, and lay with this examine at his lodgings at Mr. Moore's, hard by Temple Bar. And on Saturday, Catesby sent for this examine to the house of Little Harry above Clement's Inn; and Catesby said, "I am afraid it is discovered, and therefore we must either work in time or shift for ourselves;" and sent this examine about some business of his, and kept himself close. And on Monday, a little before dinner, he employed this examine for the buying of necessaries for him. And in the mean time Catesby and John Wright fled; and that night he and Keyes lay together at his said lodging. And saith that Catesby, on that Monday at dinner, told him, that "he did not think that the secret was discovered, for one had been at the cellar, and that all things were close and well enough;" so as it made this examine the more secure. And on Tuesday morning, this examine understanding that it was discovered before eleven o'clock, he rode out of the town, having prepared horses on the way before (under colour of a hunting at Dunchurch), and overtook Keyes by the way, about three miles beyond Highgate, and overtook Catesby and John Wright beyond Brickhill, a little before he overtook Percy and Christopher Wright. And saith that he rode thirty miles of one horse in two hours. And they five rode together; and Percy and John Wright cast off their cloaks, and threw them into a hedge to ride the more speedily. And they five rode together, first to Ashby, and there called out

* 31st of October.

' Robert Winter, and Mr. Catesby called Bates, his ser-
 ' vant, and commanded his pistols to be brought to him,
 ' which was done; and from thence they rode to Dun-
 ' church, and there they find Sir Everard Digby, Sir
 ' Robert Digby, Mr. Actons, the father and son, Richard
 ' York, a follower of Robert Winter, John Grant, Lu-
 ' dovick Grant, Henry Morgan, and divers others. And
 ' from thence they all rode towards Warwick; and be-
 ' fore they came to Warwick this examine left them,
 ' and rode before to Mr. Grant's house; and seeing he
 ' was so well horsed as he was (he having fifteen or six-
 ' teen good horses), he meant not to adventure himself in
 ' stealing of any.

' He confesseth that he was hurt with powder in the
 ' face at Mr. Littleton's house, and shot through the
 ' right arm and part of his body with a musket.

' He saith they had between fourteen and fifteen
 ' horses, and those very good ones on the whole.

' He saith that Catesby, John Grant, Henry Morgan,
 and this examine were hurt with the powder in Mr.
 ' Littleton's house, before the Sheriff and his company
 ' came.

' And Catesby told him that after the blow given,
 ' they meant to have taken the Lady Elizabeth, at Lord
 ' Harrington's house, and then to have proclaimed her
 ' Queen; and that consultations should be had what
 ' other things should be given after the blow given.'

Then was read part of the Examination of Robert
 Keyes, taken the 30th of November, 1605, before the
 Lord Chief Justice, Mr. Attorney-General, and Mr.
 Lieutenant of the Tower.

' He confesseth that about a year and a quarter past,
 ' Robert Catesby, alone at his chambers in Mr. Percy's
 ' house, behind St. Clement's, acquainted this examine
 ' with the project of the powder, and saith that none
 ' was present at that time but Percy, Catesby, and this
 ' examine. John Wright and Winter were then in the
 ' house, and this, he saith, was a little before Midsummer
 ' was twelvemonth; and at that time, in the presence of
 ' Percy, Winter, and John Wright, Catesby ministered
 ' an oath unto him that he should keep the project secret,
 and not discover it directly nor indirectly to any, with-

'out the consent of two others, and took his oath upon a primer, and thereupon this examine took the sacrament at the hands of a priest, whose name he knew not.

' And saith that they gave him the charge of the house at Lambeth, whither the powder was first carried; and this examine bought some of the powder, and helped to carry it to Ferris's house, and helped also to work in the mine.

' He saith that the reason that he revealed not the project to his ghostly father was, for that Catesby told him that he warranted him that it might safely, and with good conscience be done, for that the King and the nobles were heretics and excommunicated persons, and therefore the action lawful, or the like in effect.

' He saith that Catesby spake of the proclamation that should be made after the act done in Queen Elizabeth's name. And saith that their hopes were, that when the act was done that all the Catholics and discontented persons would take their parts and proclaim the Lady Elizabeth, being next heir

' And confesseth that Ambrose Rookwood, at my Lord Mordaunt's house, told this examine that he knew this examine was acquainted with the project of powder, although this examine knew not him to be one; but then Rookwood imparted to him that he was acquainted with it, and this was about a month before the 5th of November last. And after, when Rookwood came to his lodging in the Strand, he asked this examine how the project went forward; to whom this examine answered, very well. And confesseth that Ambrose Rookwood, about half a year since, bought four barrels of powder; and he and Christopher Wright brought them to Lambeth, and delivered them to this examine's charge, which after were conveyed into the cellar.'

The Examination* of Thomas Bates, servant to Robert Catesby, taken the 4th of December, 1605, before the Lords Commissioners.

' He confesseth that about this time twelvemonth his master asked this examine whether he could procure him a lodging near the Parliament House; whereupon

* State-Paper Office.

• he went to seek some such lodging, and dealt with a
• baker that had a room joining to the Parliament House,
• but the baker answered that he could not spare it.
• After that (some fortnight, or thereabouts, as he
• thinketh,) his master imagining, as it seemed, that this
• examine suspected somewhat of that which he, the
• said Catesby, went about, called him to him at Puddle
• Wharf, in the house of one Powell (where Catesby
• had taken a lodging), and in the presence of Thomas
• Winter asked him "what he thought what business
• they went about?" and this examine answered "that
• he thought they went about some dangerous business;"
• whereupon they asked him again, "what he thought
• the business might be?" and he answered "that he
• thought they intended some dangerous matter about
• the Parliament House, because he had been sent to get
• a lodging near that house." Thereupon they made
• this examine take an oath to be secret in the business,
• which being taken by him they told him that it was
• true that they meant to do somewhat about the Par-
• liament House, namely, to lay powder under it to blow
• it up. Then they told him that he was to receive the
• sacrament for the more assurance, and he thereupon
• went to confession to a priest named Greenway; and in
• his confession told Greenway that he was to conceal a
• very dangerous piece of work that his master Catesby
• and Thomas Winter had imparted unto him; and that
• he, being fearful of it, asked the counsel of Greenway,
• telling the said Greenway (which he was not desirous
• to hear) their particular intent and purpose of blowing
• up the Parliament House; and Greenway the priest
• thereto said that he would take no notice thereof, but
• that he, the said examine, should be secret in that
• which his master had imparted unto him, because it
• was for a good cause, and that he willed this examine
• to tell no other priest of it; saying moreover that it
• was not dangerous unto him, nor any offence to conceal
• it. And thereupon the said priest Greenway gave this
• examine absolution; and he received the sacrament
• in the company of his master Robert Catesby and
• Thomas Winter.

• He saith, moreover, that they were in consultation

‘ to send unto Mr. Talbot of Grafton, to move him to join with them; and to go unto him were named and appointed Sir Everard Digby, Stephen Littleton, and Thomas Winter; but Sir Everard Digby, when he was going, was staid by the company, and Stephen Littleton and Thomas Winter only went. He saith also that they moved Robert Winter to go, but he answered that he would not go, desiring to be excused for refusing, because he was in hope that Mr. Talbot would be good to his wife and children.

‘ Being asked whether he had acquainted any other priest with the conspiracy, he saith no. But saith that he confessed himself to another priest named Hammond, at Huddington, Robert Winter’s house, but that was only for his sins, and not for any other particular cause.’

A part of the Examination of William Handy, servant to Sir Everard Digby, taken the 27th of November, 1605, before Sir Julius Cæsar, Knight; Sir Edward Philipps, and Sir John Croke, Knights, two of His Majesty’s Serjeants at Law; Sir Francis Bacon, Knight, Sir Walter Cope, Knight, and Sir George More, Knight, High Sheriff of Surrey and Sussex:—

‘ Saith that on the Tuesday se’nnight before the meeting at Dunchurch, Sir Everard Digby, his master, willed him, attending on his lady on the way to Mr. Throgmorton’s, to return by that day se’nnight with the gelding he rode on, for that he meant to hunt on the said gelding at Dunchurch.

‘ Saith that he was in the inn at Dunchurch, being sent for thither by Sir Everard Digby on the 5th day of November, at what time the said Sir Everard came from hunting into the said inn; and that James Digby, uncle to the said Sir Everard, and George Digby, his brother, came in with him, at what time Stephen Littleton and his brother were in the said inn.

‘ He saith that on the said Tuesday at night, about ten of the clock, Sir Everard Digby, and the rest of the gentlemen there present, with all the servants of the said Sir Edward, amongst whom this examine was, took horse at Dunchurch, and went from thence to

' Warwick, whither they came about three of the clock in the morning.

' Saith that from Warwick the whole company, being about thirty horse, went to Mr. John Grant's, where they found two tables in the hall, furnished with muskets and armour, and stayed there not above half an hour. And in the way between Grant's and a town called Alcester, he heard the younger Wright say, "that if they had had good luck they had made those in the Parliament House fly with their heels upwards to the sky;" and that he spake those words openly, in the hearing of those which were with him, which were commonly Mr. John Grant, the younger Grant, and Ambrose Rookwood.

' He saith that further upon the way towards Mr. Winter's house, he came to Sir Everard Digby, his master, and asked of him what should become of him and the rest of his poor servants, saying unto him, "Sir, you know well that I was not privy to this bloody fact;" whereunto his master answered, "No, I believe you were not; but now there is no remedy." Whereupon this examine wishing him to yield himself to the King's mercy, his said master replied that he would not have such a word spoken by any of his.

' Saith that at their coming to Mr. Winter's house there were sentinels placed at the passage of every way; and that on Thursday morning, about three of the clock, all the said company, as well servants as others, heard mass, received the sacrament, and were confessed, which mass was said by a priest named Harte, a little man, whitely complexion, and a little beard.

' Saith that on the said Thursday, about six of the clock in the morning, the whole company departed from Mr. Winter's house towards the house of the Lord Windsor, and there taking horse they placed four of the principal gentlemen before the company and four behind; which four behind were, Percy, old Grant, Morgan, and Wright, to keep the company from starting away; and about twelve of the clock at noon came to the house of the said Lord Windsor.

' Saith that their being all lighted, saving some few

‘ who sat on their horses to watch who should come into
 ‘ the house, they went into the said house and brake into
 ‘ the armoury, took out the armour, and caused them all
 ‘ to arm themselves, and the rest of the armour they put
 ‘ into a cart and carried with them to Littleton’s house,
 ‘ having a purpose to go into Staffordshire, for that they
 ‘ heard it to be a Catholic country.

‘ Saith that certain country people coming to the gate
 ‘ of the said Lord Windsor’s house, they said they were
 ‘ for God, the King, and the country; but the others
 ‘ said they were for God and the country, and not for the
 ‘ King. And from thence they went to Mr. Littleton’s
 ‘ house, where, as soon as he alighted, he departed from
 ‘ them, and went to Sir Thomas Gresley and submitted
 ‘ himself.’

Then was related by Mr. Attorney-General how that
 on Friday, immediately preceding this arraignment,
 Robert Winter, having found opportunity to have con-
 ference* with Fawkes in the Tower in regard of the

* The Government had evidence of this conversation from a
 person who had been expressly employed to overhear it in a
 situation contrived for that purpose, though they did not declare
 this circumstance on the trial, as it might be convenient to adopt
 the same course with other prisoners. The same thing was in
 fact done with respect to Garnet and Oldcorne, and was prob-
 ably very common in state inquiries. The following are the
 notes taken respecting this dialogue by Locherson, who appears
 to have been one of Lord Salisbury’s private secretaries:—

‘ Robert Winter’s Speeches to Guido Fawkes, Saturday the
 25th of January, 1605.

‘ There is a priest taken in Staffordshire; what he is I know
 ‘ not, but I heard he was a little man.’

‘ Well, I doubt not but God will raise up seed to Abraham out
 ‘ of the very stones.’

‘ But if they stay awhile there are two or three little fellows
 ‘ that will prove themselves as tall men.’

‘ Nothing grieves me but that there is not an apology made by
 ‘ some to justify our doings in this business; but our deaths will
 ‘ be a sufficient justification of it, and it is for God’s cause.’

‘ Winter said he would tell a strange tale to Fawkes; that after
 ‘ Percy was buried, he was taken out a good while after and his
 ‘ head cut off, when he bled fresh and very abundantly, and his
 ‘ quarters were set up in the country.’

nearness of their lodgings, made certain speeches to Fawkes respecting the plot; which speeches were afterwards confessed by Fawkes in an examination of the 26th of January, (the day before the trial,) as follows:—

‘ He confesseth that on Friday morning last Robert Winter, lying in the next chamber to the chamber wherein this examine lieth in the Tower, told this examine that there was a priest taken in Staffordshire*, and that he was a little man, but knew not his name. And being demanded whether at that time Robert Winter used not these words following, “ Well, I doubt not but God will raise up seed to Abraham out of the very stones,” answereth, that he doth not particularly remember the very words of the seed of Abraham, but confesseth that he spake to such effect, and so did this examine, also tending to this effect; that though they were gone, yet God would raise up others for the good of the church. Touching any speech of grief that there was not some apology made, &c., this examine saith that he remembereth no such matter. He confesseth that Winter told him at that time that Percy, being dead and buried, he was taken up and his head cut off, and that it bled freshly; which

‘ I do not think we shall all die together.’

‘ I heard say that my Lord Mounteagle hath begged three or four of us.’

‘ Winter told Fawkes a strange dream he had in the country, which I could not well hear; but some part was that he dreamed he was in Cheapside, and saw Paul’s Church as if it were all covered black and the stones ready to fall, &c.’

‘ He named one (whose name I could not well hear) who was twice at Winter’s house this summer.’

‘ Winter had speech with Fawkes of some confessions that was made, but I could not well hear any particularities.’

‘ J. LOCHERSON.’

‘ Winter seemed to express some part of his story, that their business being brought within a day or two of the execution it should be so unhappily crossed.’

‘ J. LOCHERSON.’

* This probably refers to the first discovery at Hendlip. Chambers and Owen (commonly called Little John), the servants of Oldcorne and Garnet, were apprehended there on the 23d of January; and it appears from Sir Henry Bromley’s Letter, *post* p. 205, that they were at first supposed to be priests.

‘ both of them thought a very strange matter. And this
 ‘ examine confesseth that he said at that time that he
 ‘ thought that all the offenders herein should not die,
 ‘ because they had offended in intention and not in
 ‘ action. He confesseth that Robert Winter told this
 ‘ examine that he heard that my Lord Mounteagle had
 ‘ begged three of them.

‘ He confesseth that on the 4th day of November last
 ‘ (as Robert Winter told this examine) he had a
 ‘ dream, and thought that he saw therein the steepies of
 ‘ Paul’s Church, and of other churches in London, stand
 ‘ awry, and that he being in one of the churches (it being
 ‘ a very fine church) he thought he saw strange faces,
 ‘ which afterwards, when he saw Catesby’s and the
 ‘ other faces hurt with powder, he called to memory his
 ‘ dream; in effect, those faces, being so hurt with pow-
 ‘ der, resembled the faces which he thought he had seen
 ‘ in his dream.’

This was the whole of the evidence against the seven
 prisoners charged in the first Indictment; on the con-
 clusion of which the Lord Chief Justice made some
 remarks to the Jury, and then directed them to consider
 of their Verdict; upon which they retired into a separate
 place.

Arraignment of Sir Everard Digby.

Upon the termination of the trial of the other con-
 spirators, Sir Everard Digby was arraigned upon a sepa-
 rate indictment taken at Wellingborough, in Northamp-
 tonshire, before Sir Christopher Yelverton, and other
 special Commissioners of Oyer and Terminer, on the
 16th of January, 1605-6. This indictment being found
 by a Grand Jury of the county of Northampton, was
 delivered to a special commission issued into Middlesex
 for the arraignment of the prisoner*, and consisting of

* This practice of trying a prisoner in one county for an offence
 committed in another, though now wholly discontinued, was for-
 merly not unfrequent. Thus the indictment of Sir Walter Raleigh
 was found by a Middlesex grand jury at Staines, and his trial

the same persons who composed the Commission under which the other conspirators were arraigned and tried.

The indictment charged him with high treason in the article of conspiring the death of the King, the overt acts laid being a conference with Catesby in Northamptonshire respecting the Powder Plot, an assent to the design, and the taking of the oath of secrecy. Having heard the indictment read, he showed a disposition to confess the principal part of it, and so began to enter into a discourse. But being advertised that he must first plead directly to the indictment, guilty or not guilty, and that afterwards he should be licensed to speak his pleasure, he forthwith confessed the treason contained in the indictment, and so fell into a speech, whereof there were two parts, viz. motives and petitions. The first motive which drew him into this action was not ambition or discontentment of his estate, neither malice to any in Parliament, but the friendship and love he bare to Catesby, which prevailed so much, and was so powerful with him, as that for his sake he was ever contented and ready to hazard himself and his estate. The next motive was the cause of religion, which alone, seeing, as he said, it lay at the stake, he entered into resolution to neglect in that behalf his estate, his life, his name, his memory, his posterity, and all worldly and earthly felicity whatsoever; though he did utterly extirpate and extinguish all other hopes for the restoring of the Catholic religion in England. His third motive was, that promises were broken with the Catholics. And lastly, that they generally feared harder laws from this Parliament against recusants, as that recusants' wives and women should be liable to the mulct as well as their husbands and men. And further, that it was supposed that it should be made a *præmunire* only to be a Catholic.

His petitions were, that since his offence was confined took place, under a special commission, in Hampshire; and many other instances might be mentioned. It is said by Sergeant Hawkins, in his Pleas of the Crown, book ii. cap. 5, sect. 19, "that the King may grant a special commission of Oyer and Terminer to sit in one county for hearing and determining offences, whereof indictments have been found in another; but that the trial must be by the jurors of the proper county."

and contained within himself, that the punishment also of the same might extend only to himself, and not to be transferred either to his wife, children, sisters, or other; and therefore for his wife he humbly craved that she might enjoy her jointure; his son, the benefit of an entail made long before any thought of this action; his sisters, their just and due portions, which were in his hands; his creditors, their rightful debts, which, that he might more justly set down under his hand, he requested that, before his death, his man (who was better acquainted both with the men and the particulars than himself) might be licensed to come unto him. Then prayed he pardon of the King and Lords for his guilt. And lastly, he entreated to be beheaded; desiring all men to forgive him, and that his death might satisfy them for his trespass.

To this speech forthwith answered Sir Edward Coke, Attorney-General, but in respect of the time (for it grew now dark), very briefly:

1st. For his friendship with Catesby, that it was mere folly and wicked conspiracy. 2dly. His religion—error, and heresy. 3dly. His promises—idle and vain presumptions, as also his fears—false alarms. Concerning wives that were recusants, if they were known so to be before their husbands (though they were good Protestants) took them, and yet for outward and worldly respects whatsoever, any would match with such; great reason there is that he or they should pay for it, as knowing the penalty and burden before: for "*volenti et scienti non fit injuria*"—(no man receives injury in that to which he willingly and knowingly agreeth and consenteth). But if she were no recusant at the time of marriage, and yet afterwards he suffer her to be corrupted and seduced by admitting priests and Romanists into his house; good reason likewise that he, be he Papist or Protestant, should pay for his negligence and misgovernment. 4thly. Concerning the petitions for wife, for children, for sisters, &c., O, how he doth now put on the bowels of nature and compassion in the peril of his private and domestical estate! But before, when the public state of his country, when the King, the Queen, the tender princes, the nobles, the whole kingdom were designed to a perpetual destruction;

where was then this piety, this religious affection, this care? All nature, all humanity, all respect of laws, both divine and human, were quite abandoned; then was there no conscience made to extirpate the whole nation, and all for a pretended zeal to the Catholic religion, and the justification of so detestable and damnable a fact.

Here did Sir Everard Digby interrupt Mr. Attorney, and said, that he did not justify the fact, but confessed that he deserved the vilest death and most severe punishment that might be: but he was an humble petitioner for mercy, and some moderation of justice.

Whereupon Mr. Attorney replied, that he should not look by the King to be honoured in the manner of his death, having so far abandoned all religion and humanity in his action; but that he was rather to admire the great moderation and mercy of the King, in that for so exorbitant a crime no new torture, answerable thereunto, was devised to be inflicted upon him. And for his wife and children, whereas he said, that for the Catholic cause he was content to neglect the ruin of himself, his wife, his estate, and all; he should have his desire as it is in the Psalm, "Let his wife be a widow, and his children vagabonds; let his posterity be destroyed, and in the next generation let his name be quite put out." For the paying of his creditors it is equal and just; but yet fit the King be first satisfied and paid, to whom he owed so much, as that all he had was too little; yet these things must be left to the pleasure of his Majesty, and the course of justice and law.

After this speech of the Attorney-General, the Earl of Northampton*, one of the Commissioners, made an address to Sir Everard Digby as follows:—

* The Earl of Northampton was a Catholic, and the attention paid to him by James on his accession, by giving him, first a place in the Privy Council, and then the Wardenship of the Cinque Ports, and an Earldom, occasioned much jealousy among the Protestant party. To obviate the suspicions which might arise from his religious faith, and to exempt him from the general stigma which was unjustly attached to all Catholics in consequence of the plot, Northampton was industriously put forwards on this trial and on that of Garnet; on both of which occasions very long and laboured harangues are attributed to him in reprobation of the plot.

You must not hold it strange, Sir Everard Digby, though at this time being pressed in duty, conscience, and truth, I do not suffer you to wander in the labyrinth of your own idle conceits without opposition, to seduce others, as yourself have been seduced by false principles, or to convey yourself by charms of imputation, by clouds of error, and by shifts of lately devised equivocation, out of that strait wherein your late secure and happy fortune hath been unluckily entangled, but yet justly surprised by the rage and revenge of your own rash humours. If in this crime (more horrible than any man is able to express) I could lament the estate of any person upon earth, I could pity you; but thank yourself and your bad counsellors for leading you into a crime of such a kind, as no less benumbeth in all faithful, true, and honest men the tenderness of affection, than it did in you the sense of all humanity. That you were once well thought of and esteemed by the late Queen I can witness, having heard her speak of you with that grace which might have encouraged a true gentleman to have run a better course. Nay, I will add further, that there was a time wherein you were as well affected to the King our master's expectation, though perhaps upon false rumours and reports, that he would have yielded satisfaction to your unprobable and vast desires; but the seed that wanted moisture (as our Saviour himself reporteth) took no deep root; that zeal which hath no other end or object than the pleasing of itself is quickly spent; and Trajan, that worthy and wise emperor, had reason to hold himself discharged of all debts to those that had offended more by prevarication than they could ever deserve by industry. The grace and goodness of his Majesty in giving honour, at his first coming, unto many men of your own affection, and (as I think) unto yourself; his facility in admitting all, without distinction of Trojan or of Tyrian, to his royal presence, upon just occasions of access; his integrity in setting open the gate of civil justice unto all his subjects, equally and indifferently, with many other favours that succeeded by the progression of peace, are so palpable and evident to all men that have either eyes of understanding, or understanding of capacity, as yourself and many others have been driven of late to excuse

and countenance your execrable ingratitude with a false and scandalous report of some further hope and comfort yielded to the Catholics for toleration or connivance, before his coming to the crown, than since hath been performed, made good and satisfied. I am not ignorant that this sedition and false alarm hath awakened and incited many working spirits to the prejudice of the present state, that might otherwise have slept as before with silence and sufferance; it hath served for a shield of wax against a sword of power; it hath been used as an instrument of art to shadow false approaches, till the Trojan horse might be brought within the walls of the Parliament, with a belly stuffed, not as in old time with armed Greeks, but with hellish gunpowder. But, howsoever, God hath blinded you and others in this action, as he did the King of Egypt and his instruments, for the brighter evidence of his own powerful glory; yet every man of understanding could discern that a prince, whose judgment had been fixed by experience of so many years upon the poles of the north and the south, could not shrink upon the sudden; no, nor since, with fear of that combustion which Catesby, that arch-traitor, like a second Phaeton, would have caused in an instant in all the elements. His Majesty did never value fortunes of the world, in lesser matter than religion, with the freedom of his thoughts; he thought it no safe policy (professing as he did, and ever will) to call up more spirits into the circle than he could put down again; he knew that *omne regnum in se divisum desolabitur*; philosophy doth teach that whatsoever any man may think in secret thought, that where one doth hold of Cephas, another of Apollo, openly dissension ensues; *quod insitum alieno solo est, in id quo alitur, natura vertente, degenerat*; and the world will ever apprehend that *quorum est commune symbolum, facillimus est transitus*. Touching the point itself, of promising a kind of toleration to Catholics, as it was divulged by these two limbs of Lucifer, Watson and Percy, to raise a ground of practice and conspiracy against the state and person of our dear sovereign, let the kingdom of Scotland witness for the space of so many years before his coming hither, whether either flattery or fear—no, not upon that enterprise of

the 17th of November, which would have put the patience of any prince in Europe to his proof, could draw from the King the least inclination to this dispensative indifference, that was only believed because it was eagerly desired. Every man doth know how great art was used; what strong wits sublimed; how many ministers suborned and corrupted, many years, both in Scotland and in foreign parts, to set the King's teeth on edge with fair promises of future helps and supplies, to that happy end of attaining his due right in England, when the sun should set, to rise more gloriously in the same hemisphere, to the wonder both of this island and of the world. But all in vain; for *jacta erat alea*, the King's compass had been set before, and by a more certain rule, and they were commonly cast off as forlorn hopes in the King's favour, that ran a course of ranking themselves in the foremost front of foreign correspondency. Upon notice given to his Majesty from hence, some years before the death of the late Queen, that many men were grown suspicious of his religion, by rumours spread abroad, that some of those in foreign parts, that seemed to be well affected to his future expectation, had used his name more audaciously, and spoken of his favour to the Catholics more forwardly than the King's own conscience and unchangeable decree could acknowledge or admit (either with a purpose to prepare the minds of foreign princes, or for a practice to estrange and alienate affections at home), not only utterly renounced and condemned these encroachments of blind zeal and rash proceedings, by the voices of his own ministers, but was careful also for a caution to succeeding hopes, so far as lay in him, that, by the disgrace of the delinquents in this kind, the minds of all English subjects chiefly might be secured and the world satisfied. No man can speak in this case more confidently than myself, that received in the Queen's time, for the space of many years, directions and warnings to take heed that neither any further comfort might be given to Catholics, concerning future favours, than he did intend, which was to bind all subjects in one kingdom to one law concerning the religion established, howsoever in civil matters he might extend his favour as he found just cause; nor any seeds of jealousy and diffidence, sown in

the minds of Protestants by Shimeis and Ahitophels, to make them doubtful of his constancy, to whom he would confirm with his dearest blood that faith which he had sucked from the breast of his nurse, apprehended from the cradle of his infancy, and maintained with his utmost endeavour, affection, and strength; since he was more able, out of reading and disputing, to give a reason of those principles which he had now digested and turned to nutriment. He that wrote the Book of Titles*, before the late Queen's death, declares abundantly by seeking to possess some foreign prince of the King's hereditary crowns, when the cause should come to the proof, and may witness instead of many, what hope there was of the King's favour or affection to Catholics in the case of toleration or dispensation, with exercise of conscience. For every man may guess that it was no slight or ordinary degree of despair that made him and other of his suit renounce their portion in the son and heir of that renowned and rare lady, Mary Queen of Scotland, a member of the Roman church, as some did in David: *Nulla nobis pars in David, nec hæreditas in filio Isai*. For hereof, by letters intercepted in their passage into Scotland, the records and proofs are evident. His Majesty, so long as he was in expectation of that which, by the work and grace of God, he doth now possess, did ever seek to settle his establishment upon the faith of Protestants in generality, as the most assured sheet-anchor. For though he found a number on the other side, as faithful and well-affected to his person, claim, and interest as any men alive, as well in respect of their dependency upon the Queen his mother, as for the taste which they had of the sweetness of himself; yet finding with what strength of blood many have been overcarried out of a fervency in zeal in former times, observing to what censures they were subject, both in point of faith and limitation of loyalty; and, last of all, forecasting to what end their former protestation would come when present satisfaction should shrink, he was ever fearful to embark himself for any further voyage and adventure in this

* This alludes to Father Parsons's book in support of the title of the Infanta of Spain, published under the assumed name of Doleman.

strait, than his own compass might steer him and his judgment level him. If any one green leaf for Catholics could have been visibly discerned by the eye of Catesby, Winter, Garnet, Fawkes, &c. they would neither have entered into practice with foreign princes during the Queen's time for prevention of the King's lawful and hereditary right, nor have renewed the same, both abroad and at home, by missions and combinations, after his Majesty was both applauded and entered. It is true, that by confessions, we find that false priest, Watson, and arch-traitor, Percy, to have been the first devisers and divulgers of this scandalous report, as an accursed ground, wherein they might with some advantage, as it was conceived, build the castles of their conspiracy. Touching the first, no man can speak more soundly to the point than myself; for being sent into the prison by the King to charge him with this false alarm, only two days before his death, and upon his soul to press him in the presence of God, and as he would answer it at another bar, to confess directly whether at either of both these times he had access unto his Majesty at Edinburgh, his Majesty did give him any promise, hope, or comfort of encouragement to Catholics concerning toleration; he did there protest upon his soul that he could never win one inch of ground or draw the smallest comfort from the King in those degrees, nor further than that he would have them apprehend, that as he was a stranger to this state, so till he understood in all points how those matters stood, he would not promise favour any way; but did protest that all the crowns and kingdoms in this world should not induce him to change any jot of his profession, which was the pasture of his soul and earnest of his eternal inheritance. He did confess that in very deed, to keep up the hearts of Catholics in love and duty to the King, he had imparted the King's words to many, in a better tune and a higher kind of descant than his book of plain song did direct, because he knew that others, like sly bargemen, looked that way when their stroke was bent another way. For this he craved pardon of the King in humble manner, and for his main treasons, of a higher nature than these figures of hypocrisy, and

seemed penitent, as well for the horror of his crime as for the falsehood of his whisperings.

It hindered not the satisfaction which may be given to Percy's shadow (the most desperate Boutefeu in the pack), that as he died impenitent, for any thing we know, so likewise he died silent in the particulars. For first, it is not strange that such a traitor should devise so scandalous a slander out of the malice of his heart, intending to destroy the King by any means, and to advance all means that might remove obstructions and impediments to the plot of gunpowder. The more odious that he could make him to the party malcontent, and the more sharply that he could set the party malcontent upon the point and humour of revenge, the stronger was his hope at the giving of the last blow, to be glorified and justified. But touching the truth of the matters it will be witnessed by many, that this traitor Percy, after both the first and second return from the King, brought to the Catholics no spark of comfort, of encouragement, of hope; whereof no stronger proof of argument doth need, than that Fawkes and others were employed both into Spain, and other parts, for the reviving of a practice suspended and covered, after Percy's coming back; as in likelihood they should not have been, in case he had returned with a branch of olive in his mouth, or yielded any ground of comfort to resolve upon. Therefore I thought it thus far needful to proceed, for the clearing of those scandals that were cast abroad by these forlorn hopes and graceless instruments. It only remains that I pray for your repentance in this world for the satisfaction of many, and forgiveness in the next world, for the saving of yourself; having had, by the King's favour, so long a time to cast up your account, before your appearance at the seat of the great Auditor.

Then spake the Earl of Salisbury, especially to that point, of his Majesty's breaking of promise with recusants, which was used and urged by Sir Everard Digby, as a motive to draw him to participate in this so hideous a treason. Wherein his lordship, after acknowledgment that Sir Everard Digby was his ally, and having made a zealous and religious protestation concerning the sin-

cerity and truth of that which he would deliver; shortly and clearly defended the honour of the King herein, and freed his Majesty from all imputation and scandal of irresolution in religion, and in the constant and perpetual maintaining thereof; as also from having at any time given the least hope, much less promise of toleration. To which purpose he declared how his Majesty, as well before his coming to this crown, as at that very time, and always since, was so far from making of promise, or giving hope of toleration, that he ever professed he should not endure the very motion thereof from any. And here his lordship showed what was done at Hampton Court at the time of Watson's treason, where some of the greater recusants were convented; and being found then not to have their fingers in treason, were sent away again with encouragement to persist in their dutiful carriage, and with promise only of thus much favour,—that those mean profits which had accrued since the King's time to his Majesty for their recusancy, should be forgiven to the principal gentlemen, who had both at his entry showed so much loyalty, and had kept themselves so free since from all conspiracies*. Then did his lordship also (the rather to show how little truth Sir Everard Digby's words did carry in any thing which he had spoken) plainly prove, that all his protestations wherein he denied so constantly to be privy to the Plot of Powder, were utterly false, by the testimony of Fawkes (there present at the bar), who had confessed, that some time before that session, the said Fawkes being with Digby at his house in the country, about what time there had fallen much wet; Digby taking Fawkes aside after supper, told him that he was much afraid that the powder in the cellar was grown dank, and that some new must be provided, lest that should not take fire. Next the said Earl did justly and greatly commend the Lord Mounteagle for his loyal and honourable care of his Prince and country, in the speedy bringing forth of the letter sent unto him; wherein he said, that he had showed both his discretion and fidelity.

* The effect of this conference at Hampton Court is very differently described in the 'Petition Apologetical of the Lay Catholics,' see *ante* p. 20.

Which speech being ended, Sir Everard Digby then acknowledged that he spake not that of the breach of promise out of his own knowledge, but from their relation whom he trusted; and, namely, from Sir Thomas Tresham.

Upon the conclusion of the speech of the Earl of Salisbury, Sergeant Philips prayed the judgment of the court upon the verdict of the Jury against the seven first prisoners, and against Sir Everard Digby upon his own confession. And first the prisoners being severally asked what they could say, wherefore judgment of death should not be pronounced against them, there was not one of them (excepting Digby and Rookwood) who would make any continued speech, either in defence or extenuation of the fact. Thomas Winter only desired that he might be hanged both for his brother and himself. Keyes said "that his estate and fortunes were desperate, and as good now as another time, and for this cause rather than for another." Robert Winter and Bates craved mercy. John Grant was a good while mute; yet after submissively said, "He was guilty of a conspiracy intended, but never effected." But Ambrose Rookwood first excused his denial of the indictment, for that he had rather *lose* his life than *give* it. Then did he "acknowledge his offence to be so heinous that he justly deserved the indignation of the King and of the Lords, and the hatred of the whole commonwealth; yet could he not despair of mercy at the hands of a Prince so abounding in grace and mercy; and the rather because his offence, though it were incapable of any excuse, yet was not altogether incapable of some extenuation, in that he had been neither author nor actor, but only persuaded and drawn in by Catesby, whom he loved above any worldly man; and that he had concealed it, not for any malice to the person of the King, or to the state, or for any ambitious respect of his own, but only drawn with the tender respect, and the faithful and dear affection he bare to Mr. Catesby his friend, whom he esteemed more dear than any thing else in the world. And this mercy he desired not from any fear of the image of death, but for grief that so shameful a death should leave so perpetual a blemish and blot unto all ages upon his name

and blood. But howsoever, that this was his first offence, yet he humbly submitted himself to the mercy of the King, and prayed that the King would herein imitate God, who sometimes doth punish corporally, but not mortally."

Then the Lord Chief Justice Popham, after a relation and defence of the laws made by Queen Elizabeth against recusants, priests, and receivers of priests, together with the several occasions, progresses, and reasons of the same, pronounced judgment of high treason upon all the prisoners. Upon the rising of the court, Sir Everard Digby bowing himself towards the Lords, said, "If I may but hear any of your lordships say you forgive me, I shall go more cheerfully to the gallows." Whereupon the Lords said, "God forgive you, and we do."

Execution of the Conspirators.

The following account of the execution is taken in general from a Narrative in the Harleian Miscellany, vol. iii. p. 127, but contains some circumstances derived from other sources. The account given in the Harleian Miscellany is partial, and cannot be considered as a faithful relation of what took place. It is, however, the only account to be found, excepting one given by Father Greenway which, on the ground of partiality, appears to be equally objectionable.

The prisoners, after their condemnation and judgment, being sent back to the Tower, remained there till the Thursday following, on which day four of them, viz. Sir Everard Digby, Robert Winter, John Grant, and Thomas Bates, were drawn upon sledges and hurdles to a scaffold erected at the western end of St. Paul's churchyard. Great pains were taken in the city to render the spectacle of the execution as imposing as possible. Among other arrangements made in order to be prepared against any popular tumult, a precept issued from the Lord Mayor to the Alderman of each ward in the city, requiring him to "cause one able and sufficient person, with a halbard in his hand, to stand at the door of every several dwelling-house in the open street in the way that the

traitors were to be drawn towards the place of execution; there to remain from seven in the morning until the return of the Sheriff*."

Now these four above-named being drawn to the scaffold, made on purpose for their execution, first went up Digby, a man of a goodly personage, and a manly aspect; yet might a wary eye, in the change of his countenance, behold an inward fear of death, for his colour grew pale and his eye heavy; notwithstanding that he enforced himself to speak, as stoutly as he could. His speech was not long, and to little good purpose, only, that his belied conscience being but indeed a blinded conceit, had led him into this offence, which, in respect of his religion, alias indeed idolatry, he held no offence, but, in respect of the law, he held an offence, for which he asked forgiveness of God, of the King, and the whole kingdom; and so, with vain and superstitious crossing of himself, betook him to his Latin prayers, mumbling to himself, refusing to have any prayers of any but of the Romish Catholics; went up the ladder, and, with the help of the hangman, made an end of his wicked days in this world.

After him went Winter up the scaffold, where he used few words to any effect, without asking mercy of either God or the King for his offence; went up the ladder, and, making a few prayers to himself, staid not long for his execution.

After him went Grant, who abominably blinded with his horrible idolatry, though he confessed his offence to be heinous, yet would fain have excused it by his conscience for religion †; a bloody religion, to make so bloody a conscience; but better that his blood, and all such as he was, should be shed by the justice of the law, than the blood of many thousands to have been shed by his villainy, without law or justice. Having used a few idle words to ill effect, he was, as his fellows before him, led to the halter; and so, after his crossing of himself, to the last part of his tragedy.

Last of them came Bates, who seemed sorry for his offence, and asked forgiveness of God and the King, and of the whole kingdom; prayed to God for the preserva-

* Repertories in the Town-Clerk's Office.

† See *post*, p. 187.

tion of them all, and, as he said, only for his love to his master, drawn to forget his duty to God, his King, and country, and therefore was now drawn from the Tower to St. Paul's churchyard, and there hanged and quartered for his treachery. Thus ended that day's business

The next day, being Friday, were drawn from the Tower to the old palace in Westminster, over against the Parliament House, Thomas Winter the younger brother, Ambrose Rookwood, Robert Keyes, and Guido Fawkes the miner, justly called "the Devil of the Vault;" for had he not been a devil incarnate, he had never conceived so villainous a thought, nor been employed in so damnable an action. Winter first being brought to the scaffold made little speech, but seeming, after a sort, as it were, sorry for his offence, and yet crossing himself, as though those were words to put by the devil's stoccardoes, having already made a wound in his soul; of which he had not yet a full feeling, protesting to die a true Catholic, as he said; with a very pale and dead colour went up the ladder, and after a swing or two with a halter, to the quartering-block was drawn, and there quickly despatched.

Next him came Rookwood, who made a speech of some longer time, confessing his offence to God in seeking to shed blood, and asking therefore mercy of his Divine Majesty;—his offence to the King, of whose majesty he likewise humbly asked forgiveness, and his offence to the whole state, of whom in general he asked forgiveness; beseeching God to bless the King, the Queen, and all his royal progeny, and that they might long live to reign in peace and happiness over this kingdom. But last of all, to spoil all the pottage with one filthy weed, to mar this good prayer with an ill conclusion, he prayed God to make the King a Catholic, otherwise a Papist, which God for his mercy ever forbid; and so beseeching the King to be good to his wife and children, protesting to die in his idolatry, a Romish Catholic, he went up the ladder, and, hanging till he was almost dead, was drawn to the block, where he gave his last gasp.

After him came Keyes, who, like a desperate villain, using little speech, with small or no show of repentance, went stoutly up the ladder, where, not staying the hang-

man's turn, he turned himself off with such a leap, that with the swing he brake the halter, but, after his fall, was drawn to the block, and there was quickly divided into four parts.

Last of all came the great devil of all, Fawkes, *alias* Johnson, who should have put fire to the powder. His body being weak with torture and sickness, he was scarce able to go up the ladder, but yet, with much ado, by the help of the hangman, went high enough to break his neck with the fall; who made no long speech, but, after a sort, seeming to be sorry for his offence, asked a kind of forgiveness of the King and the state for his bloody intent; and with his crosses and idle ceremonies, made his end upon the gallows and the block, to the great joy of the beholders, that the land was ended of so wicked a villainy.

REMARKS.

In a legal point of view, the only observations which suggest themselves respecting the trials of the chief conspirators are such as are common to all the state prosecutions of the time. The evidence appears to have consisted entirely of the written declarations of the several prisoners, and of a servant of Sir Everard Digby, and it is evident, from the report of the proceedings, that no witness was orally examined. Of the guilt of all the prisoners there could not be the shadow of a doubt; indeed all of them, as appears from the several examinations above given, had fully and circumstantially confessed their guilt before the trials, and though they all, excepting Sir Everard Digby, pleaded not guilty, no attempt was made by any of them to deny a full participation in all the villainy of the plot. That the project amounted to high treason is unquestionable; the design of blowing up the Parliament House, when the King and Prince were there, was compassing and imagining the death of the King and the

heir-apparent to the crown, within the literal meaning of the statute of treasons; while the conduct of the conspirators who assembled in Warwickshire, after the apprehension of Fawkes, and rode armed through the country in warlike array, in defiance of the established government, and exciting others to insurrection, was nothing short of open rebellion, and clearly constituted a "levying of war against the King in his realm," within the words of another clause of the same statute. In legal consideration, therefore, the justice of their conviction and sentence is too plain for discussion; and in a moral point of view, the most scrupulous objector to capital punishments will hardly consider the loss of life as too severe a retribution for an offence of such unexampled barbarity. The political situation of the Catholics,—resentment of the oppression and contumely which they had suffered,—the dread of further persecution, and, above all, perhaps, indignation at the faithless conduct of the King, were sufficient motives to insurrection; but the inhuman contrivance of the Gunpowder Plot can only be ascribed to the baneful influence of superstition; and it may be doubted whether there is any other engine by which the natural feelings of the human heart could be so far distorted and deadened, that the indiscriminate slaughter of several hundreds of persons could be considered as a laudable and pious undertaking.

One of the most singular features of the history of this conspiracy was the character and description of the persons engaged in it. Dissolute and needy adventurers have been, at all times, the ready instruments in any scheme calculated to raise a storm on the surface of society, and produce confusion and uproar. Such characters may possibly gain by disturbance and revolution, and have, at all events, nothing to lose. Thus Catiline, at Rome, registered in his desperate band all the ruined spendthrifts;

the disgraced, the idle, and the hopeless prodigals, who wander up and down a populous city, prepared alike for plunder or for outrage, as the opportunity presents itself. "*Semper in civitate,*" says Sallust, "*quibus opes nullæ sunt, vetera odere, nova exoptant; odio suarum rerum mutari omnia student; turbâ atque seditionibus sine curâ aluntur, quoniam egestas faciliè habetur sine damno.*" But in the case of the Gunpowder Treason, many of the conspirators, such as Robert Winter, Rookwood, Digby, Tresham, and Grant, were men of large possessions; others again, such as Percy, Fawkes, and Keyes, were engaged in useful and honourable occupations which raised them far above the temptation of want; not one of them but Catesby was in pecuniary difficulty, and his motive was clearly a religious one. In another respect also we find in this conspiracy men not usually acting in the ranks of insurrection;—men of mild and amiable manners, unaccustomed to tumults, and dwelling quietly in the midst of their respective families. It must have been a much more powerful motive than any of those that usually influence the actions of mankind, which could induce such persons to do violence to their nature and their usual habits, and produce the strange delusion that, in committing a barbarous murder—"a murder," as it has been termed, "of a whole nation in their representatives,"—they were performing an action by which they secured to themselves the approbation of Heaven.

Notwithstanding the occasional misgivings suggested by humanity and conscience to the minds of the conspirators, it is clear that they were really actuated by a mistaken sense of duty, and that many of them maintained to the last a conviction that their project was not only justifiable, but in the highest degree meritorious in the sight of God. Father Greenway relates, that as Rookwood was being drawn to the place of execution, his lady stood

at an open window in the Strand, giving him words of comfort as he passed, and calling upon him "to be of good courage, inasmuch as he suffered for a great and noble cause." In the conversation between Fawkes and Robert Winter in the Tower, above related, the latter says, "Nothing grieves me, but that there is not an apology made by some to justify our doings in this business; but our deaths will be a sufficient justification of it, and *it is for God's cause*.*" Casaubon, in his Epistle to Fronto Ducæus, which we shall have occasion to notice more fully hereafter in the case of Garnet, mentions the following fact respecting another of the conspirators. "John Grant," says he, "one of the traitors, on the very day when he was to be executed for his share in this plot, was entreated by a pious and learned clergyman, to entertain, at the last, a proper sense of his situation, and duly reflecting upon the magnitude of his crime, with hearty penitence to seek for pardon from Heaven. Grant replied, with a cheerful countenance, and full of confidence, 'I am satisfied that our project was so far from being sinful, that I rely entirely upon my merits in bearing a part of that noble action, as an abundant satisfaction and expiation for all sins committed by me during the rest of my life.'"

There is nothing developed in the proceedings on this trial, or in the examinations which preceded it, which tends to show that many English Catholics, besides the actual and ascertained conspirators, were acquainted with the plot. The extent to which several priests participated in the transaction, either by way of previous encouragement or subsequent approval, will appear from the proceedings against Garnet; but the general policy of Catesby and his companions was to admit no more into the confederacy than were necessary to carry the objects of

* See *ante*, p. 167, note.

it into execution, rightly judging, that in proportion to the numbers of the accomplices, would be the chances of discovery, either by treachery or carelessness. After its failure, there is no doubt that the Catholics of the first importance in the country generally declared their disapprobation of it; and it is worthy of remark, that Sir Everard Digby, in the letters to his wife, published in 1679, at the end of the 'Discourse of the manner of discovering the Gunpowder Plot,' pathetically expresses his grief at finding that the project, for which he had sacrificed every thing he had in the world, was disapproved by Catholics and priests, and that the cause which brought him to his death was considered by them to be a great sin*.

In estimating the probable extent to which this plot was known and encouraged by the English Catholics, it ought to be remembered that all the avowed conspirators belonged to the Jesuits' faction, between whom and the Catholics attached to the secular priests a most determined hostility prevailed. De Beaumont repeatedly mentions this schism in the Catholic party; and it is evident from the letters and examinations of the priests, Watson and Clarke, respecting the Plot of 1603, that they were most anxious at that time to fix the suspicion of a dangerous design against the state upon "Jesuits and jesuited persons †." It is, therefore, in the highest degree improbable that any of the secular Catholics, whether priests or laymen, were acquainted with the Gunpowder Treason.

It is perhaps scarcely necessary to notice the strange suggestion first made some years after the transaction, and readily adopted by many Catholic writers, namely, that the Gunpowder Plot was an invention of Lord Salisbury, who had promoted and encour-

* 'History of the manner of the Discovery of the Gunpowder Plot,' edit. 1679, p. 170.

† See Criminal Trials, vol. i. p. 423.

raged it in order that it might enable the Government to strike a decisive blow against the Catholics. Mr. Butler, in his Memoirs of the English Catholics, admits that this suggestion is wholly without foundation in fact. That the Government were aware of the plot before the arrival of the letter to Lord Mounteagle, and that the King and the House of Lords would have been perfectly safe if that letter had never been written, is by no means improbable; nor is it at all unlikely that the letter itself was a contrivance, or, as Osborn calls it, a "neat device" of the Secretary to conceal the real mode of the discovery. But that Lord Salisbury, or any other member of the Government, concocted the whole scheme for political purposes, is not only incredible in itself, but is wholly unsupported by evidence, and is negatived by all the ascertained facts of the transaction. There is abundant proof in the examinations and declarations still extant, that the scheme was devised by Catesby partly from religious motives, and partly from a desire of vengeance upon the oppressors of the Catholics, and that it was first communicated by him to Percy, Thomas Winter, Wright, and Fawkes, others being afterwards added as circumstances successively happened to render the enlargement of their number necessary. For an entire year after the first proposal of the scheme, there was not an individual acquainted with it, who could be suspected of being an agent of Government, or who could by possibility have been so; and Tresham, who was not introduced until a few weeks before the discovery, is the only person of the whole body who could have acted in that capacity. That he was not an agent of the Government to encourage the plot is perfectly clear, as he certainly endeavoured to put an end to it, though he may have been the means of discovering it as soon as he failed to obtain from his companions any satisfactory assurance of the safety of his friends.

*Proceedings against Henry Garnet, Superior of the
Jesuits in England.*

As soon as the immediate agents in this conspiracy were ascertained and secured, it became an object of paramount importance to the Government to obtain available evidence against those whom they supposed to be the secret contrivers and promoters of it.

There seemed to be no suspicion, and indeed no reason to suspect that any foreign powers had either instigated or encouraged the conspirators, or were privy to the design. The King of Spain, who had favoured former attempts, had just concluded a peace with England, which he considered advantageous to himself, and had therefore, at that period, no interest in promoting an insurrection among the English Catholics. Henry IV. of France was far too wise and enlightened a prince to have encouraged so unpromising a project, though the departure of Mons. de Beaumont, his ambassador, a few days only before the 5th of November, gave occasion to some whispers of suspicion *. That the Pope knew nothing of the project is evident from the fact that Sir Edmund Baynham was despatched by the conspirators to Rome, for the purpose of being with his holiness at the time of the explosion, and of giving him a plausible account of their motives and plans. Father Baldwin and Hugh Owen were the only two persons abroad whom the conspirators had particularly inculpated by their examinations. A strenuous application was therefore made by the English Government to the Archduke that they should be delivered up to justice. The persons of both were secured at Brussels, but the Archduke hesitated to give them up to the English Ambassador without the authority of the King of Spain. After much delay on the part of the Archduke, and much urgency and some threats

* See Sir Edward Hoby's Letter to Sir Thomas Edmondess, November, 1605.

on the part of Lord Salisbury, the Spanish Government declared that they had no right to give up the persons of Baldwin and Owen, who had become domiciled, though not naturalized, in Flanders*.

As domestic accessaries to the plot the suspicions of the English Government mainly rested upon Garnet, the provincial of the Jesuits in England, and the Jesuits, Greenway, and Gerard, all of whom were known to have participated in former treasonable practices, and were fully believed to have been privy to this. It was indeed not unreasonable to conclude that a plot, exclusively devised by Catholics for the promotion of the Catholic religion, and from its enormous wickedness so startling to the consciences of all men in whose minds every spark of humanity had not been extinguished, must have been declared by some of the conspirators to their spiritual advisers, either in confession or for the purpose of resolving doubts and scruples. Many laborious days were therefore employed by the Commissioners, assisted by the acuteness and skill of Popham, Coke, and Bacon, in the diligent examination of the various prisoners, and the endeavour to draw forth from their concealment the supposed directors of this machinery of treason.

In general, the principal conspirators strenuously denied to the last that the Jesuit priests were aware of the plot. No threats, promises, or torture could prevail upon them to mention the name of any priest as privy to the transaction. Thus Fawkes, in his examination of the 9th of November, which was no doubt taken upon the rack, admits, that after taking the oath of secrecy, the five original conspirators received the sacrament from Gerard, in confirma-

* A sensible opinion of a Flemish civilian against the propriety of giving up Owen, which was probably sent by the Archduke to Lord Salisbury, is among the documents at the State-Paper Office.

this reason, as well as on account of many obvious improbabilities in the story, Bates's account of the conversation between Garnet and Greenway cannot be confidently relied upon. There was, however, no doubt, from the concurring testimony of many persons, independently of that of Bates, that Greenway, after a consultation with Garnet, and with a full knowledge by both of what had happened in London, joined the conspirators at Huddington while they were in arms against the Government. This, therefore, was, at all events, evidence of misprision of treason against Garnet and Greenway, and justified the Government in issuing a proclamation for their apprehension." Gerard was also included in this proclamation; but at this period no direct evidence appears to have existed of his implication in the plot.

Soon after the issuing of this proclamation a sweeping bill of attainder was introduced into Parliament, which recited that Garnet, Greenway, Gerard, Creswell, Baldwin, Hammond, Hall, and Westmoreland, all of them Jesuits, were concerned with Catesby, Tresham, and Thomas Winter in the treasonable correspondence with Spain immediately before and after the death of Queen Elizabeth; that the two Winters, Fawkes, Keyes, Rookwood, Grant, and Bates had been convicted of the Powder Treason by verdict, and Sir Everard Digby on his own confession; that Catesby, Percy, and the two Wrights were slain in open rebellion; and that Tresham, having confessed himself guilty of all the treasons, had died in the Tower before he could be indicted. It then proposed to enact that the convictions should be confirmed by Parliament, and that all the offenders, as well those indicted as those not brought to justice and dead, should be convicted and attainted by that act; that such as were then living might be put to death at the King's pleasure, and that the property of

all should be forfeited to the Crown. The effect of this bill was to declare the lives and property of several persons to be forfeited, who had never been arraigned or heard in their own defence. A proposition more unjust and illegal had never been made to Parliament since the odious bills of attainder in the reign of Henry VIII. According to the usual course in such cases, the Lords required the Attorney-General to lay before the house his proofs of the guilt of the parties sought to be attainted in this summary manner. This was done, but before the bill could be read a second time, Garnet and Oldcorne were apprehended; upon which the Lords resolved, upon the motion of the Earl of Northampton, that "as upon the examination of some of the Jesuits and seminaries named in the said bill some more particular discovery might be made of the said treason, therefore stay might be made of any further proceeding upon that bill, till the said examination might be taken*."

The proclamation against the Jesuits was issued on the 15th of January, two days after Bates's second declaration. It was declared in the proclamation, that if "any person should presume to be a harbourer, maintainer, or concealer of any of these three persons, or should not do his best for their discovery and apprehension, the King was resolved to suffer the laws of the realm to be most severely executed upon them, as upon those whom he esteemed to be no less pernicious to his person, state, and commonwealth, than those that had been actors and counsellors of the main treason itself†". Gerard was fortunate enough to escape to the continent from Harwich shortly after its appearance. Greenway, disguising his person as well as he could, immediately came to London, thinking himself more secure from discovery in the populous streets of the metropolis than in the solitude of the

* Lords' Journals, February 1, 1605-6.

† Rymer's Fœdera, vol. xvi. p. 639.

country. Soon after his arrival in London, whilst he was one day standing in a crowd reading the proclamation for his apprehension, which was exhibited at the corner of a street, he observed a man intently watching him, and comparing his person with the minute description of him in the proclamation. On retiring from the crowd this man followed him, and seizing him by the arm, said, "You are known; I arrest you in the King's name; you must go with me to the council." The Jesuit, with great composure, assured him that he was not the man he supposed him to be; but accompanied him quietly until they came to a remote and unfrequented street, where Greenway, being a powerful man, suddenly seized his companion, and, after a violent struggle, disengaged himself from him. He immediately quitted London, and remaining for a few days in some Catholic houses in Essex and Suffolk, he at last escaped in a small trading vessel to Flanders*. Garnet was not so successful as Gerard and Greenway; but before proceeding to relate the story of his apprehension and trial, it is proper to give some account of this remarkable person, the nature and extent of whose connexion with the plot have formed the chief subjects of contention between Catholics and Protestants in the history of this transaction, and constitute an historical problem of extremely difficult solution.

Henry Garnet was the son of a schoolmaster at Nottingham, and was born about the year 1554. He was brought up in the Protestant religion, and received his early education at Winchester College, from whence it was intended that he should go to New College, Oxford; but for reasons variously assigned by his Catholic and Protestant biographers, this intention was not carried into effect. By Catholics, a dislike to the reformed religion, conceived by him at Winchester, is said to have withheld him from

* Juvencii Hist. Soc. Jesu, lib. xiii. p. 5, s. 48.

going to Oxford ; but Dr. Abbott says that the gross outrages and immoralities committed by him in the school induced the warden to admonish him not to attempt to remove to New College. The reader must adopt either of these suggestions which he thinks the more probable, as neither of them is capable of proof. At all events, Garnet removed from Winchester to London, where he soon afterwards became corrector of the press to Tottel, the celebrated law printer. While he was in this employment he became acquainted with Chief Justice Popham, who recognized him on his first examination, and who, as well as Sir Edward Coke, treated him throughout the inquiry with great respect. The latter, in his speech on Garnet's trial, represents him as a man having " many excellent gifts and endowments of nature ; by birth a gentleman, by education a scholar, by art learned, and a good linguist." After remaining with Tottel about two years, during which time his aversion to the Protestant religion had become confirmed, he determined to be reconciled to the Catholic church ; and having travelled, first to Spain and then to Rome, he entered into the Society of Jesus in the year 1575. In the Jesuits' College at Rome he studied with much industry and success under Bellarmine, and other celebrated Catholic professors ; and such was his proficiency and reputation there in various departments of learning, that he was, at an early age, chosen Professor of Hebrew, and was licensed to lecture on metaphysics ; and on occasion of the illness of the celebrated Clavius, who was professor of mathematics, Garnet conducted his class for upwards of two years. In 1586, at the suggestion of Father Parsons, he was appointed to the English mission ; an employment for which his reputation for learning and his religious enthusiasm eminently adapted him, and which had long been the peculiar object of his wishes. Catholic writers describe him as a

man of singularly mild and amiable demeanour, and of such remarkable gentleness of disposition, that Aquaviva, the Principal of the Jesuits, objected to his appointment on the English mission, on the ground that the difficulties and dangers of the situation called for a sterner and more enduring character. Two years after his arrival in England, the Superior of the English Jesuits being arrested and imprisoned, Garnet was chosen as his successor, and continued to discharge the duties of that responsible office with such exemplary punctuality, and with such an earnest zeal and courageous defiance of the dangers and persecutions which surrounded him, that he had acquired the general esteem and even veneration of the whole of his communion. For several years previously to the Powder Plot he remained in the neighbourhood of London, following various occupations, in order effectually to disguise his real calling. He was well known to have been fully implicated in the treasonable intrigue with the King of Spain immediately before the death of Queen Elizabeth, and was suspected of other seditious practices; and in order to protect himself from penal consequences, he purchased a general pardon upon the accession of James. His intimate association with Catesby, Tresham, Winter, Baynham, and other disaffected recusants had for several years before the Powder Plot exposed him to the peculiar suspicion of the Government.

In the houses of many of the Catholic nobility Garnet lived on terms of domestic familiarity; but William, Lord Vaux of Harrowden, was his peculiar patron and friend, from the time of his first arrival in England till the death of that nobleman in 1595. Here also commenced his intimacy with the family of Sir Thomas Tresham, whose sister Lord Vaux had married, and whose residence at Rushton was not far distant from Harrowden. At this period arose that singular connexion between Garnet and Anne Vaux,

which was frequently alluded to in the course of the proceedings against him, and also in the subsequent controversy, in terms of scandal and reproach. Anne Vaux was the eldest daughter of Lord Vaux, by his first wife, a daughter of Sir Thomas Beaumont, Master of the Rolls. Lord Vaux was an enthusiastic devotee, and had brought up all his children in a rigid observance of the Catholic faith. His eldest son, actuated by religious zeal, abandoned his native country, as well as his paternal title and estate, and entered into a foreign monastery, where he died, in orders, during his father's life. One of his daughters married a rigid Catholic, named Brooksby, and with her husband and her sister Anne Vaux, upon the death of their father, followed Garnet's fortunes, and were content, for the sake of religion and from personal attachment to him, to share his dangerous and uncertain mode of life. They always resided in the houses of common resort of the Jesuits, and as the persecutions of the times compelled Garnet constantly to change his place of abode, Anne Vaux continually accompanied him in all his peregrinations. It is not surprising that such a connexion should have been ascribed to bonds less pure than those of religious or Platonic attachment. It would be idle, of course, to investigate at length the merits of a tale of scandal more than two centuries old. Garnet solemnly denied the imputation at his execution, and his intercepted letters from the Tower show no feeling towards Anne Vaux beyond that of paternal regard; and though the language of some of her letters is sufficiently excited and passionate, they express only the agony of distress at the loss of a valued friend, upon whose advice and society she had long habitually relied; they are, in fact, such letters as any religious devotee might have written to a spiritual protector under similar circumstances. For instance, in answer to a note, in which he in-

formed her that Oldcorne, who was also called Hall, had dreamed that "he and Garnet were transported to two fair tabernacles," Anne Vaux writes as follows: "Mr. Hall's dream had been a great comfort, if at the foot of the throne there had been a seat for me. God and you know my unworthiness; I beseech you to help me with your prayers. Your's, and not my own, A. V*." In a subsequent note she says, "If this come safe to you, I will write [again]; and so will more friends, who would be glad to have direction from you who should supply your room. For myself, I am forced to seek new friends; my old are * * * † of me. I beseech you, for God's sake, advise me what course to take so long as I may hear from you. Not out of London, my hope is that you will continue your care of me, and commend me to some that for your sake will help me. To live without you is not life but death. Now I see my loss. I am and always will be your's, and so I beseech you to account-me. O, that I might see you! Your's." Whatever may be thought of other circumstances, these fragments of letters amount to no confirmation of the scandal. It is not perhaps wholly immaterial to consider that at this period Anne Vaux was upwards of forty, and Garnet more than fifty years of age.

In the month of September, 1605, a pilgrimage to St. Winifred's Well, in Flintshire, was undertaken by Garnet, accompanied by a large party of Catholics. The performance of this extraordinary religious cere-

* It should here be noticed that Dr. Abbott, who, in his *Antilogia*, indulges in much sarcasm respecting this connexion between Garnet and Mrs. Anne Vaux, remarks upon the signature to this letter as being A. G. (i. e. Anne Garnet), supposing that she used Garnet's name in the character of his wife. The signature is, however, undoubtedly A. V., as appears to demonstration, upon comparing it with several instances of her handwriting in the State-Paper Office.

† These notes were written in orange juice, and many words and passages in them are entirely illegible.

mony, at this precise point of time, when the Parliament was expected to meet on the ensuing 3d of October, and the Powder Plot was on the eve of its execution, is undoubtedly a circumstance entitled to much weight in considering the question of Garnet's implication in the moral guilt of the conspiracy. It appears, from various examinations, that the party consisted of about thirty persons, among whom were Garnet and Anne Vaux, Lady Digby, Brooksby and his wife, Ambrose Rookwood and his wife, a priest named Fisher, and many other Catholics, both male and female. The pilgrimage, which occupied about a fortnight, commenced at Goathurst, Sir Everard Digby's house, in Buckinghamshire, and proceeded by Daventry to John Grant's house at Norbrook, and Robert Winter's at Huddington, and thence through Shrewsbury to Holt, in Flintshire. The ladies of the company went barefoot from Holt to the Well, where all remained a whole night; and the party afterwards returned by the same route, through the midland counties, to Goathurst. It is material to observe not only that Rookwood, one of the avowed conspirators, was a party to this pilgrimage, but that on their progress the pilgrims rested at the houses of John Grant and Robert Winter, at each of which mass was said by Garnet. It is scarcely conceivable that this unusual proceeding, undertaken at the express suggestion of Garnet, by persons actively concerned in the plot, within a month from its proposed execution, should not have had reference to the great blow then about to be struck for the Catholic church.

After the pilgrimage to St. Winifred's Well, Garnet, together with Mrs. Anne Vaux and Mrs. Brooksby, her sister, remained at Goathurst for several weeks; and on the 29th of October, a few days only before the proposed meeting of Parliament, on the fatal 5th

of November, he travelled with Lady Digby, Anne Vaux, Mrs. Brooksby, and the whole family of Sir Everard Digby, to Coughton, in Warwickshire, in the immediate neighbourhood of the general rendezvous of the conspirators. At this place Garnet and Greenway received the letter from Digby and Catesby, by Bates, containing the account of the discovery of the plot, which has been above particularly alluded to. This suspicious journey to Coughton at this precise period formed one of the most material circumstances in the evidence produced against the Jesuits.

For some time after the capture of the conspirators at Holbeach, Garnet remained at Coughton, not without much uneasiness, though no proclamation had issued against him; but about the 16th of December, a Jesuit, named Hall or Oldcorne, who was domestic priest to Mr. Abington, of Hendlip Hall, near Worcester, sent for him to conduct him thither, assuring him that he would be welcome to Mr. Abington and his lady, and that he might remain at their house in greater security than at Coughton. Garnet readily availed himself of this invitation, and with Anne Vaux removed at once to Hendlip, where he remained until his apprehension. Previously, however, to his removal he sent a letter to the Lords of the Council, strongly protesting his innocence of the whole transaction.

Hendlip Hall, a spacious mansion, situated about four miles from Worcester, was one of the most remarkable houses in England; and having been pulled down only a few years ago, may possibly be remembered by some of our readers. The date of 1572 appeared in one of the parlours, and the greater part of the house was built at the latter end of Queen Elizabeth's reign by John Abington, cofferer to the Queen, and a zealous partizan of the Queen

of Scots. When the execution of the rigorous laws against Catholics began to be enforced, his son, Thomas Abington, (who was a Papist, and had been confined for some years in the Tower for recusancy), in order to afford protection to the proscribed priests who resorted to him, furnished the house with those ingeniously-contrived hiding-places, which we have above mentioned as common in Catholic dwellings. "There is scarcely an apartment," says an author*, who accurately describes Hendlip as it existed only a few years ago, "that has not secret ways of going in or going out; some have back staircases concealed in the walls; others have places of retreat in their chimneys; some have trap-doors, and all present a picture of gloom, insecurity, and suspicion." Its situation too, upon the summit of the highest ground in the neighbourhood, with an unintercepted prospect on all sides, afforded peculiar facilities for a timely observance of the approach of dangerous visitors. For several weeks Garnet remained sufficiently concealed in this singular mansion, dwelling ordinarily with Mr. and Mrs. Abington, Anne Vaux, and Father Oldcorne, and only secreting himself more closely when strangers came to the house. The appearance of the proclamation against him, conjointly with Gerard and Greenway, rendered greater precaution necessary; but he might probably have still eluded the search after him, had not Humphry Littleton, who knew the place of his concealment, and who had been tried and condemned to death at Worcester for harbouring Robert Winter and Stephen Littleton, intimated to the Sheriff, in order to save his own life, that some of the Jesuits named in the proclamation were at Hendlip. Upon this Sir Henry Bromley, of Holt Castle, a neighbouring magistrate, was commissioned by the Lords of the

* Beauties of England, vol. xv. part i. p. 184.

Council to invest the house, and to search rigorously all the apartments*. As he approached the house with his company, Garnet and Oldcorne retired to one of the numerous secret receptacles, and their respective servants, Owen and Chambers, to another. When Sir Henry Bromley arrived at Hendlip, on Monday the 20th of January, Mr. Abington was absent; but his lady, who was the sister of Lord Mounteagle, and the person by whom the warning to that nobleman has been supposed to have been sent, delivered her keys, and professed to give every encouragement to the search. The house was surrounded with men, all the approaches to it being carefully watched and guarded, and every chamber, cellar, and loft rigidly and repeatedly examined. The following letter † from Sir Henry Bromley to the Earl of Salisbury, dated the 23d of January, the fourth day after the com-

* The following are the instructions which were given by Lord Salisbury to Sir Henry Bromley:—"In the search, first to observe the parlour where they use to dine and sup; in the east part of that parlour it is conceived there is some vault, which to discover you must take care to draw down the wainscot, whereby the entry into the vault may be discovered. And the lower parts of the house must be tried with a broach, by putting the same into the ground some foot or two, to try whether there may be perceived some timber, which if there be, there must be some vault underneath it. For the upper rooms, you must observe whether they be more in breadth than the lower rooms, and look in which places the rooms be enlarged; by pulling up some boards you may discover some vaults. Also if it appear that there be some corners to the chimneys and the same boarded, if the boards be taken away there will appear some. If the walls seem to be thick and covered with wainscot, being tried with a gimlet, if it strike not the wall, but go through, some suspicion is to be had thereof. If there be any double loft, some two or three feet, one above another, in such places any may be harboured privately. Also if there be a loft towards the roof of the house, in which there appears no entrance out of any other place or lodging, it must of necessity be opened and looked into, for these be ordinary places of *hiding*."

† From the State-Paper Office.

mencement of the search, shows what progress had then been made towards the discovery of the fugitives —

‘ My especial good Lord,—I have pursued the service your lordship and the rest of the Lords have imposed on me for the search of the traitors; and gave it for gone, for that I could never get from Mrs. Abington nor any other in the house the least glimmering of any of these traitors, or any other treason to be here. Some presumption I had (besides your lordship’s commandment) to continue me here, as finding beds warm, and sundry parcels of apparel and books and writing, that showed some scholars used. Mr. Abington was not at home when I came, but was gone to Pepperhill, to Mr. Talbot’s, and came home on Monday night. I showed him his majesty’s proclamation and my warrant for the search; but he absolutely denieth that he knoweth or ever saw any of these parties but Gerard, in his youth, some four or five and twenty years ago, and never saw him sithence. I did never hear so impudent liars as I find here— all recusants, and all resolved to confess nothing, what danger soever they incur. I, holding my resolution to keep watch longer (though I was out of all hope to find any man or any thing), yet at last, yesterday, being Wednesday, found a number of Popish trash hid under boards in three or four several places. The particularities I refer to this bearer. Wednesday night late I went to my house to take my rest, being much wearied, leaving my brother the charge of the house. So that this Thursday morning two are come forth for hunger and cold, that give themselves other names; but surely one of them, I trust, will prove Greenway, and I think the other be Hall. I have yet presumption that there is one or two more in the

‘ house ; wherefore I have resolved to continue the
 ‘ guard yet a day or two. I could by no means per-
 ‘ suade the gentlewoman of the house to depart the
 ‘ house without I should have carried her, which I held
 ‘ uncivil, as being so nobly born ; as I have and do un-
 ‘ dergo the greater difficulties thereby. I have sent you
 ‘ the examinations of the parties which I have com-
 ‘ mitted, and do expect your lordship’s pleasure what
 ‘ shall be done with them. More at large your lord-
 ‘ ship may hear either from the bearer, or from my-
 ‘ self at my coming up. In the mean time, I trust
 ‘ his majesty and your lordships will accept of my
 ‘ willingness and readiness to do you better service
 ‘ when I shall be commanded. In the mean time, I
 ‘ most humbly take my leave of your lordship, re-
 ‘ maining ever, at your lordship’s command,

‘ Hendlip, this 23d of HENRY BROMLEY.

‘ January, very late.

‘ P.S. I desire to know what you will have done
 ‘ with Mr. Abington. I think good in the mean time
 ‘ to restrain him at a magistrate’s-house at Worcester.’

The two persons mentioned in the above letter, as having been forced from their hiding-places by cold and hunger, were Chambers and Owen, the servants of the two Jesuits. They seemed half starved, and declared that since their enclosure they had only eaten one apple between them. Their appearance stimulated the labours of the searchers ; and after discovering various other secret chambers, one of the men, on the eighth day, found an opening into the cell where Garnet and Oldcorne were concealed. A contemporary manuscript says, that “ marmalade and other sweetmeats were found there lying by them ; but their better maintenance had been by a quill or reed, through a little hole in a chimney that backed another chimney into a gentlewoman’s chamber, and

by that passage cawdle, broths, and warm drinks had been conveyed to them*." The manner of their discovery and apprehension may be described by inserting a part of a narrative † in Garnet's handwriting, addressed to Anne Vaux, soon after his commitment, and intercepted by the Lieutenant of the Tower.

' After we had been in the hole (says Garnet)
' seven days and seven nights, and some odd hours.
' every man may well think we were well wearied ;
' and indeed so it was, for we continually sat, save that
' sometimes we could half stretch ourselves, the place
' being not high enough ; and we had our legs so
' straitened that we could not sitting find place for
' them, so that we both were in continual pain of
' our legs ; and both our legs, especially mine, were
' much swollen, and mine continued so till I came to
' the Tower. If we had had but one half-day liberty
' to come forth, we had so eased the place from books
' and furniture, that we could have abidden a quarter
' of a year. * * * *

' We were very merry and content within, and
' heard the searchers every day most curious over us,
' which made me indeed think the place would be
' found. And if I had known in time of the pro-
' clamation against me, I would have come forth, and
' offered myself to Mr. Abington, whether he would
' or no, to have been his prisoner.

' When we came forth, we appeared like two
' ghosts ; yet I the stronger, though my weakness
' lasted longest. The fellow that found us ran away
' for fear, thinking we would have shot a pistol at
' him ; but there came needless company to assist
' him, and we bad them " be quiet and we would come
' forth." So they helped us out very charitably:
' We could not go, but desired to be led to a house

* Harl. MSS., No. 360.

† State-Paper Office.

‘ of office. So I was, and found a board taken up,
‘ where there was a great downfall, that one should
‘ have broken his neck, if he had come thither in the
‘ dark ; which seemed intended of purpose. We had
‘ escaped if the two first hidden *soldiers* had not come
‘ out so soon ; for when they found them, they were
‘ curious to find their place. The search at Hendlip
‘ was not for me, but for Mr. Hall, as an abettor of
‘ Robert Winter. Then came a second charge to
‘ seek for Mr. Gerard ; of me never no expectation ;
‘ so that it was only God’s pleasure to have it as it is.
‘ “ *Fiat voluntas ejus !* ”

‘ Sir Henry, by the proclamation, knew me
‘ straight, and made of me exceedingly, saying I
‘ was a learned man and a worthy, &c. I acknow-
‘ ledged not my name, but referred all to my meet-
‘ ing with my Lord of Salisbury, who would know
‘ me. Yet never did I deny my name to Sir Henry,
‘ but desired him to call me as he would, for he
‘ called me by divers names, but my most common
‘ was Garnet. I told him that in truth it was not
‘ for any discourtesy, but that I would not, in the
‘ places we are, be made an obloquy ; but when I
‘ came to London I would not be ashamed of my
‘ name.

‘ We were carried to Worcester in his coach, where
‘ he had promised us to place us in some baily’s or
‘ other citizen’s house ; but when we came there he
‘ said he could not do as he wished, but must send
‘ us to the gaol. I said, “ A God’s name ! but I
‘ hope you will provide we have not irons, for we
‘ are lame already, and shall not be able to ride
‘ after to London.” “ Well,” said he, “ I will think
‘ of it,” and set me to rest in a private chamber, with
‘ one to look to me, because he would avoid the
‘ people’s gazing. When he had despatched his
‘ business he sent for me, and told me we should go

' with him to his house. So we did in coach, and
' were exceedingly well used, and dined and supped
' with him and his every day.

' On Candlemas-day he made a great dinner to
' end Christmas, and in the midst of dinner he sent
' for wine to drink health to the King; and we all
' were bare. There came, accompanying the wine, a
' white wax candle lighted, taken at Hendlip, with
' Jesus on one side and Maria on the other. So I
' desired to see the candle, and took it in my hands,
' and gave it to Mr. Hall, and said, "I was glad yet
' that I had carried a holy candle on Candlemas-day."
' So I pledged the health; yet, with favour, as they
' said, in a reasonable glass.

' I parted from the gentlewomen, who were very
' kind to me, as also all the house, who were with
' us continually, insomuch that Sir Henry was
' afraid we would pervert them; and the like *caveat*
' he hath given to my keeper here, whom I have
' sent to him sometimes. I desired them all to
' think well of me till they saw whether I could
' justify myself in this cause.

' All the way to London I was passing well used
' at the King's charge, and that by express orders
' from my Lord Salisbury. I had always the best
' horse in the company, yet was much distempered
' the first and last night; which last night I was
' lodged in the Gate-house, and could not eat any
' thing, but went supperless to bed; and all the while
' there could eat very little, only contenting myself
' with bread, an apple, and some wine, according to
' my purse; though my keepers drunk also with me,
' I thinking to have remained still there; but I am
' far better here than close there, if I could have my
' morning delights, which there cannot be had nei-
' ther. I had some bickering with ministers by the
' way. Two very good scholars and courteous, Mr.

‘ Abbott* and Mr. Barlow, met us at an inn ; but
 ‘ two other rude fellows met us on the way, whose
 ‘ discourtesy I rewarded with plain words, and so
 ‘ adieu. They were discharged by authority.’

The prisoners arrived in London on the 12th of February ; and, being lodged in the Gate-house, were examined on the following day before the Privy Council. ‘ As I went to the council-table at White-hall,’ says Garnet, in continuation of his narrative, ‘ a great multitude surrounded me, both going and coming : one said, “ There is a provincial ;” another, “ There goeth a young Pope.” When I came to the Council I kneeled, and was bid stand, and I asked whether my letter had been seen. All denied it. So I made my true protestation of innocency in this case. They wished I would not so earnestly protest, for they had sure proofs. So my Lord of Salisbury first began, and his interrogatories and my answers, with some intermingled disputations, especially of equivocation, yet with all courtesy, lasted three hours almost. All these interrogatories were about the authority of the Pope, and my Lord Salisbury said, “ You see, Mr. Garnet, we deal not with you in matters of religion, as of your priesthood or the real presence, but in this high point in which you must satisfy the King that he may know what to trust unto.” *I was glad to have this occasion to be accounted a traitor without the powder-house rather than within :* and thinking myself also obliged to profess the faith of the supremacy, answered in many articles according to their demands plainly, yet modestly ; and with great mo-

* The persons here mentioned were probably Dr. Robert Abbott, the brother of the Archbishop of Canterbury, at this time one of the King’s chaplains, and soon afterwards Master of Baliol College, Oxford ; and Dr. William Barlow, afterwards Archdeacon of Salisbury, and Chaplain to Prince Henry.

‘deration also of rigorous opinions, affirming that
 ‘none could attempt violence against the King, no,
 ‘not the Pope commanding; that I thought he
 ‘was not excommunicate; that in case one were
 ‘excommunicated, none could execute the sentence
 ‘without the Pope’s consent. * * *

‘After some rest, I had another hour before them
 ‘with Mr. Attorney, to small purpose, for I refused
 ‘to acknowledge any of my own names but Garnet,
 ‘or to name any person which might be indamaged
 ‘by me; though after, in my other examinations I
 ‘thought better otherwise, in respect that all was
 ‘known before, and I charged with treasons in some
 ‘special places; but I am sure I have hurt nobody.

‘On St. Valentine’s day I came to the Tower,
 ‘where I have a very fine chamber, but was very
 ‘sick the two first nights with ill lodging. I am
 ‘allowed every meal a draught of excellent claret
 ‘wine; and I am liberal with myself and neighbours,
 ‘for good respects, to allow also of my own purse
 ‘some sack: and this is the greatest charge I shall
 ‘be at hereafter, for now fire will shortly be unneces-
 ‘sary, if I live so long, whereof I am very uncertain,
 ‘and as careless. * * *

‘Mr. Attorney biddeth me provide to answer a
 ‘certain conference of mine and Greenwell’s (Green-
 ‘way); but I hope I shall well enough, though I
 ‘doubt not that Mr. Catesby hath feigned many such
 ‘things for to induce others. And I doubt not, if I
 ‘may have justice, but to clear myself of this powder,
 ‘as for other treasons, I tell them I care not for a
 ‘thousand.

‘In truth, I thank God I am and have been
 ‘*intrepidus*, and herein I marvel at myself, having
 ‘had such great apprehension before; but it is God’s
 ‘grace! And I often fear torture; yet it is the same
 ‘God, and I cannot be tortured but for justice (that

' is, either to wrong myself or others) ; as I cannot be
' condemned but for justice, (that is, for not betray-
' ing such as either I had diverted from their pur-
' pose, or was never acquainted with their purpose
' at all).' —

Anne Vaux, to whom this intercepted narrative is addressed, had followed Garnet to London, with Mrs. Abington, as soon as Sir Henry Bromley had left Hendlip with his prisoners. Shortly after her arrival in London she was arrested and sent to the Tower, where she appears to have been treated with unnecessary hardship and ignominy ; but though she was often and rigorously examined, she denied all knowledge of the plot, and resolutely refused to answer any questions which might bring other persons into difficulty ; and she seems to have made no discovery which tended in the slightest degree to implicate Garnet. Of the subsequent fate of this unfortunate lady, whose high birth and devoted attachment to Garnet, whatever may have been the nature of their connexion, will probably excite the reader's interest, no traces are to be found. It is probable that she and her sister followed Garnet's advice by spending the remainder of their days in some foreign religious house. The name of Vaus or Vaux is mentioned among those English Catholic ladies who, about the beginning of the seventeenth century, founded several foreign nunneries upon the principles of the Jesuits*.

During the first ten days of his imprisonment in the Tower, Garnet was subjected to almost daily examinations, the records of most of which are still extant at the State-Paper Office. But neither the treacherous courtesy and compliments of Lord Salisbury and Sir Edward Coke, nor the rougher treatment of the Lieutenant, could draw from him any admission of his participation in the plot, nor any inculpation of

* Wadsworth's English-Spanish Pilgrim.

Gerard and Greenway. The words of encouragement and approbation of the plot, said by Bates to have been uttered by Greenway to him in confession, he utterly denied to have been spoken, saying that Bates himself had afterwards repented of his false declaration, and had excused himself, "that he had done it to save his life." But he admitted that if the words were actually spoken by Greenway, they could not be justified. Being interrogated respecting his interview with Bates at Coughton, he acknowledged the receipt of a letter from Sir Everard Digby by the hands of Bates, and that Bates informed him of the plot and its failure, but denied that the letter contained a word upon that subject, or that Greenway had used any such language on that occasion as Bates had imputed to him. Finding that courtesy and forbearance produced no discovery from him, some of the Commissioners threatened him with torture; to which he replied in the words of St. Basil to the Emperor Valens, under a similar threat, "*Minare ista pueris.*"

Notwithstanding the confident assertion of some Catholic writers to the contrary, it is clear that Garnet was never, during his examinations, actually exposed to the torture. Garnet himself, in his intercepted correspondence, never hints that any violence was offered to him, though he says he expected it; and on his trial he admits the kind usage he had always received in the Tower. Lord Salisbury also declares that the King and the Lords Commissioners were "well contented to draw all from him without racking, or any such bitter torments." Dr. Abbott says, in his *Antilogia*, that the Commissioners were expressly ordered by the King not to apply the torture to him—a restriction which Abbott obviously considered injudicious. Casaubon also mentions the same fact. Probably his character, as Superior of

the Jesuits, and the respect entertained for him by foreign ambassadors, and the whole body of Catholics, procured for him this unusual exemption. But it can hardly be doubted that Oldcorne, and the two servants, Chambers and Owen, did not experience the same forbearance. Many of Oldcorne's examinations bear upon the face of them strong indications of compulsion, and the death of Owen occurred under circumstances which fully justified the suspicions entertained, and freely expressed by Catholics, that he expired under torture.

Owen had been the confidential servant of Garnet for several years, and it might well be supposed that important disclosures would be procured from him. On the 26th of February he was examined in the Tower, and positively denied that he knew, or had ever seen or heard of either Garnet or Oldcorne, and obstinately adhered to this obvious and stupid falsehood. On the 1st of March he was again examined, and on his showing a disposition to adopt the same course of denial, his thumbs were tied together and he was suspended by them to a beam, while the questions were repeated to him. He then admitted his knowledge of Garnet, and his attendance upon him at Hendlip; but his confession on this occasion, which is at the State-Paper Office, disclosed no matters of any importance, and he was therefore informed that at the next examination he would be placed on the rack. Complaining of illness the next day, his keeper carried him a chair to use at his dinner, and with his food a blunt-pointed knife was brought for the purpose of cutting his meat. Owen finding fault with the coldness of his broth, besought the keeper to put it on the fire for him in an adjoining apartment; and as soon as the man had left the cell for this purpose, ripped up his belly in a frightful manner with the knife. The keeper on his return observed

the pale and ghastly countenance of the prisoner, and perceiving blood sprinkled on the floor, threw off the straw which the unfortunate man had drawn over him, and discovered what had happened. He then ran to inform the Lieutenant, who immediately hastened to the cell with several guests who happened to be at dinner with him. In answer to their questions, the dying man declared that he had committed the act of self-destruction entirely from the apprehension of severer torture than he had suffered the day before. He expired soon afterwards, and an inquest being held upon his body in the Tower, a verdict of *felo-de-se* was returned. The above statement is circumstantially made by Dr. Abbott in his *Antilogia*, in refutation of what he calls the *calumnies* of the Jesuits respecting the mode of Owen's death. There is perhaps no great difference between the guilt of homicide by actual torture, and that of urging to suicide by the insupportable threat of its renewal.

The statements of Owen and Chambers contained no disclosures of consequence; and upon failure to procure evidence against the priests by the examination of themselves or their servants, a stratagem was adopted, not unusual in those days, and which had been employed in the case of Robert Winter and Fawkes, by means of which the Commissioners confidently expected to obtain the desired evidence for the conviction of the priests. Garnet and Oldcorne were placed in adjoining cells, and they were both informed by a keeper, with strong injunctions to caution and secrecy, that by opening a concealed door they would be enabled to confer together. In the mean time two persons, Edward Forset*, a man of cha-

* There is a short account of Forset in Wood's *Athenæ Oxonienses*; he was the author of a quaint and fanciful treatise published in 1606, entitled 'A comparative Discourse of the Bodies natural and politique.' In this book he alludes to the Gunpowder

racter and learning, who was a magistrate and held an office in the Tower, and Locherson, a secretary of Lord Salisbury, who had previously acted in the insidious capacity of a spy in the case of Winter and Fawkes, were placed in such a situation between the cells that they could overhear much of what was said by the prisoners. The notes of these several conversations, or interlocutions, as they were quaintly called, with the exception of one on the 21st of February, are still in existence. They are curious documents; and as they have never yet been published, and as they throw much light upon the subject of Garnet's guilt, it may be useful to insert them here in a connected form, though they were partially read to the Jury on the trial. Three of them are literal transcripts of the originals at the State-Paper Office, in Locherson's writing, the only alterations being the correction of the orthography, and the omission of Sir Edward Coke's marginal letters, which would, of course, be unintelligible to the reader; the original of the fourth, and by far the most important of them, is not to be found at the State-Paper Office, but a copy of it is among the Tanner Manuscripts in the Bodleian Library.

23d February, 1605.

"So soon as they came to speak together, they seemed to confess themselves one to the other; first Hall, and then Garnet, which was short, with a prayer in Latin before they did confess to each other, and beating their hands on their breasts. Garnet confessed that he had a

Plot, in the inflated style usual at that time: "The verie relating or mentioning thereof (he says) dawnteth my hart with horror, even shaking the verie pen in my hand, whilst I think what a shake, what a blast, or what a storme (as they termed it), they ment so suddenly to have raised for the blowing up, shivering into peeces, and whurling about of those honourable, anointed and sacred bodies, which the Lord would not have to be so much as touched."

great suspicion of one (whose name I could not hear), but said he found it but a mere suspicion, and that he hath been subject much to that kind of frailty.

“Said Garnet, ‘I had forgot to tell you I had a note from Rookwood*—you know him—and he telleth me that Greenway is gone over; I am very glad of that. And I had another from Mr. Gerard, that he meaneth to go over to Father Parsons, and therefore I hope, if he be not yet taken, he is escaped; but it seemeth he hath been put to great plunges.

“‘I think Mrs. Anne is in the town; if she be, I have writ a note, that my keeper may repair to her near hand, and convey me any thing unto her—who will let us hear from all our friends.’

“‘I gave him an angel yesterday, because I will be before hand with him, and he took it very well, with great thanks; and now and then at meals I make very much of him, and give him a cup of sack, and send his wife another, and that he taketh very kindly; so I hope we shall have all well. You should do well now and then to give him a shilling, and sometimes send his wife somewhat. He did see me write to Mr. Rookwood, but I will give him no more money yet.’

“‘I must needs confess White Webbs, that we met there; but I will answer it thus,—that I was there, *but knew nothing of the matter.*

“‘They prest me to take an oath (as by your priesthood) for trifles; but they said my oath was nothing; I might be pardoned of the Pope.’

“Then Hall said something more softly to Garnet, and he answered, ‘Good Lord! how did they know that?’

“‘It is no matter.’

“‘Perhaps they will press me with certain prayers that I made, against the time of the Parliament, for the good success of that business, *which indeed is true.* But I may answer that well, for I will say, it is true that I did doubt that at this next Parliament there would be more severe laws made against the Catholics, and

* This was a brother of Ambrose Rookwood, a priest who was taken at Clopton after the discovery of the plot.

† In the margin of the original is here written in Forset's handwriting, “This I did not well hear; only I heard Garnet's answer.”

therefore I made those prayers ; and that will answer it well enough.'

" ' Mr. Attorney told me very friendly, that he would make the best construction to the King of my examinations, to do me good , and used me very kindly.'

" ' But Sir William Waad will sometimes scarce speak to me, and yet sometimes he will sit down, as he passeth through my chamber, and use me with very good words. But when he falleth into speech of Jesuits, Lord, how he inveigheth at them, and speaketh the strangeliest things that can be! And he told me that we were all of opinion that Catholic religion must be maintained under one monarchy ; and who is that monarch but the King of Spain ? Nay, he told me that he knew a gentlewoman that had a child by a Jesuit, and that I knew her well enough. And in these bitter terms did he tell me that he could directly charge me with divers several treasons, confessed by sundry persons that were witnesses in the Queen's time.'

" ' For my sending into Spain before the Queen's death, I need not deny it ; but I care not for those things ; he knoweth I have my pardon for that time, and therefore he will not urge them to do me hurt.'

" ' If I can satisfy the King well in this matter, it will be well ; but I think it not convenient to deny we were at White Webbs, they do so much insist upon that place. Since I came out of Essex, I was there two times ; and so I may say I was there. But they pressed me to be there in October last, which I will by no means confess ; but I will tell them I was not there since Bartholomew-tide ; neither will I tell them of my knowledge of any of the servants there, for they may then examine and perhaps torture some of them, and make them yield to some confession. But if they ask me of the servants, I will tell them they never came up to me where I was.'

" ' But I was afraid when they spake to me of Sir Edmund Baynham, that I should be asked somewhat of the letters of my Lord Montague* did write and send by

* This word is " Montague" in the original, but it seems to have been Lord Mounteagle who wrote by Baynham ; and therefore this s possibly a mistake of the listeners.

him ; but I hope they will not yet ; perhaps hereafter they will.'

"And, in truth, I am well persuaded that I shall wind myself out of this matter, and for any former business I care not.'

"Hark you, hark you, Mr. La*, whilst I shut the door make a hawking and a spitting."

Interlocution† between Garnet and Hall the Jesuit, in prison, overheard by two worthy Gentlemen that were in insidiis, dated Saturday, 25th February, 1605.

"Sir William told me I was indicted. I marvel whether it were before the proclamation or since. If before, it will be the worse for Mr. Abington ; if since, it is no great hurt to him.'

"Garnet said, 'he was charged with some advice he should give in Queen Elizabeth's time, of the blowing up of the Parliament-House with gunpowder‡.' 'Indeed (said he to Hall) I told them at that time it was lawful, but wished them to do their best to save as many as they could that were innocents.' (His words we conceived tended to this purpose.)

"They pressed me with a question, what noblemen I knew that have written any letters to Rome, and by whom? Well, I see they will justify my Lord Mount-eagle of all this matter. I said nothing of him, neither will I ever confess him.' Then Garnet mentioned my Lord of Northumberland, my Lord of Rutland, and one

* It is thus in the original, but the meaning is unknown.

† This interlocution is from the Tanner MSS., the whole of it being transcribed in Archbishop Sancroft's hand-writing. The three others are taken from the originals at the State-Paper Office.

‡ Dr. Abbott cites an Examination of Fawkes, dated 20th January, 1605-6, in which he states that "Owen told him in Flanders that the project of blowing up the Parliament-House had been devised by Thomas Morgan in Queen Elizabeth's time." *Antilogia*, p. 137. An Examination of Fawkes, of the 20th of January, to the above effect, is mentioned often by Dr. Abbott, and also by other contemporary writers who had access to the originals ; but it is not now to be found.

more (whom we heard not well); but to what effect they were named we could not hear, by occasion of a cock crowing under the window of the room, and the cackling of a hen at the very same instant.

“Saith Garnet, ‘There is one special thing of which I doubted they would have taken an exact account of me; to wit, of the causes of my coming to Coughton, which indeed would have bred a great suspicion of the matter. I will write to day or to morrow (to whom we could not hear), to let them know that I am resolved to do my lord no hurt.’

“Garnet used some words to this effect, ‘I hope they have yet no knowledge of the great, &c.’; but it was not well heard by either of us.

“‘I will need take knowledge that you were with me at White Webbs.’ Then he told Hall of a lease that was showed him for taking of White Webbs, and other words to that effect. ‘You did not confess that we came together to Mrs. Abington’s? For you know what we resolved upon.’ Then they seemed to think that they had failed in their several confessions for their meeting, and about their horses; and Garnet seemed to be very sorry that Hall held not better concurrence. But now they contrived how to answer that point with more concurrence; to wit, as if Garnet or Hall had misnamed one the other, instead of a third person, whom they have now resolved upon. Garnet said, ‘They went away unsatisfied, and therefore we must expect, at the next time, either to go to the rack, or to pass quietly with the rest.’ ‘But,’ said he, ‘they pressed me with so many trifles and circumstances, that I was troubled to make answer, and I told them if they would demand anything concerning myself, I was ready to deal plainly; but to accuse any other that were innocent, it might be some matter of conscience to me; and I told them that none could be judge of my conscience but myself. Mr. Attorney was about to write, but when he had written three lines he gave it over, and seemed to be angry, saying, ‘I had lost my credit, for he had undertaken for me to the King.’

“Then they conferred how to get more money, and Garnet said that he had a friend to whom he would send his keeper.

“Garnet said ‘he was charged about certain prayers to be said for the success of this business at the beginning of the Parliament. To which he answered that if they would show him any such prayers he would confess if they were done by him; which was refused to be done.’ ‘They then pressed me whether if it could be proved that I made such prayer, I would yield myself privy to all the rest? Indeed, upon All-hallows day we used those prayers, and then I did repeat to them two Latin verses*’; which, both prayers and verses, Garnet did now rehearse to Hall, confessing that he made them both.

“Garnet said, ‘They mentioned the letters sent into Spain; but I answered that those letters were of no other matter but to have pensions.’

“Garnet said something to Hall of a gentlewoman, that if he were charged with her, he would excuse her conversing with him; but how we could not well hear.

“Garnet said he was asked of Robert Chambers, and said somewhat of James or Johnson, who he heard was upon the rack for three hours, at which he marvelled; ‘for,’ said he, ‘Fawkes was but half an hour, and yet they won him to confession.’

“They spake of Strange, who they heard should be hanged. Then Garnet said, ‘Upon what point do they touch him?’ Hall, as well as we could hear, named something he had done against Sir Robert Cecil, but the rest we heard not.

“Garnet bid Hall take his shovel and make a noise amongst the coals, whilst he might shut the door.

“We did observe, that from the beginning to the ending of all the conference, neither of them named God, or recommended their cause or themselves to God, but applied themselves wholly to the matter.

“EDWARD FORSETT.

“J. LOCHERSON.”

“*Monday, 27th February, 1605, in the morning.*”

“‘How now, how do you? is all well?’ said Garnet.

“And so they proceeded to the rehearsal of the examination yesterday taken, and then Hall (who spake most at this time) seemed to relate to Garnet the points of his

* See *post*, p. 258, and *ibid.* (Note.)

confession, which we could not well hear, more than when we heard Garnet's liking or dislike thereof. And where he liked he said no more but 'Well, well; that was well.'

" 'I think,' said Garnet, 'they have even done with examining of me, and truly I hope they will not bring me to any arraignment.'

" Then it seemed unto us that Hall told Garnet how he answered the matters of White Webbs, which Garnet said it was well; 'but,' said he, 'for the other matter, of our meeting on the way, it were better to leave it in a contradiction, as it was, lest perhaps the poor fellow shall be tortured for the clearing of that point.'

" Said Garnet, 'I was asked of some noblemen, but I answered it well enough, I think.'

" Garnet said, he was asked again about the prayer which he was charged to have made, and then did name the prayer by a special name to Hall, thereby putting Hall in remembrance thereof: 'but,' said he, 'I shall avoid that well enough.'

" He spake of witnesses to be produced unto him, face to face, but to what end we did not hear him declare.

" Garnet said that Mr. Attorney did rail against the Pope, and that all the Jesuits should rue for it. Then Garnet desired that the whole should not be charged with the faults of some particular men. 'Nay,' said Mr. Attorney, 'they do all look to be made saints for such their practices,' and told me that 'my name would be put into the calendar of saints.'

" Then Garnet said that 'if the Pope and their generals should appoint them to any action wherein the Pope may think to deserve to be a saint in heaven, therein I may hope for such cause to be a saint in the calendar.'

" 'Indeed, I was pressed again with Coughton, which I most feared, questioning with me of my times of coming thither, the place, at such a time, and the company.' Whereunto we did not hear any report of Garnet's answer.

" Garnet mentioned a place where they had said mass on a Sunday; but his words that followed we could not hear.

" Then Garnet said that Mr. Attorney asked him, if he were not at a christening of a child at White Webbs,

and that Sir William Waad said gibingly, 'He were surely at the christening, if he were not at the getting of it.' Then said Garnet, it were not fit to use those words to him, at that time, in this place of justice. Then said Mr. Attorney to him again, 'Why,' said he, 'you know it well enough; it was Mrs. Brookesby's child; it had a shaven crown.'

'Garnet made mention of one Mrs. Jennings, who only we heard named.

"Then Garnet bid Hall hold up his mouth higher.

"Garnet said they let him see James*; 'but,' saith he, 'he went but along by me.'

"Then Hall having said somewhat to Garnet, which we could not hear, Garnet told him that he had answered them; that there was divers that knew him whom he knew not.

"Then said Garnet, 'Well, I will leave you now.'

"Then Garnet returned to Hall again, and asked him what he had given the keeper in all. Hall's answer we could not hear. 'Well, well; we will remember him well enough,' saith Garnet, 'and so I told him.' Garnet was often going from Hall.

"'Well,' said Garnet, 'if they examine me any more, I will urge them to bring proofs against me; for,' said he, 'they speak of three or four witnesses.'

"Then Hall said somewhat.

"'Well,' said Garnet, 'leave now; we shall have occasion to come together often enough;' and so he bid Hall shake the great fire-shovel amongst the coals.

"We again observed, that neither at their first meeting nor at parting, nor in any part of their conference, they used no one word of godliness or religion, or recommending themselves or their cause to God; but all hath been how to contrive safe answers, and to concur in so much as may concern those matters they are examined of.

"EDWARD FORSETT.

"J. LOCHERSON."

* The person here alluded to was James Johnson, who was the principal servant at the house at White Webbs. A few days before he had been brought with a keeper to Garnet's chamber in the Tower, in order to identify him as the person who went by the name of Walley.

An Interlocution of Garnet and Hall, 2nd March, 1605.

“ ‘Hark you, is all well?’ said Garnet,—‘let us go to confession first if you will.’

“ Then began Hall to make his confession, who we could not hear well ; but Garnet did often interrupt him, and said, ‘ Well, well.’

“ And then Garnet confessed himself to Hall, which was uttered very much more softlier than he used to whisper in their interlocutions, and but short ; and confessed that because he had drunk extraordinarily* he was fain to go two nights to bed betimes.

“ Upon speeches by Hall, of one he saw yesterday (as we guessed), Garnet told him that he was assured that Little John † would not confess any thing of importance of him.

“ Hall told Garnet (as we guess by Garnet’s repetition thereof), that he should have no favour.

“ Garnet used some speeches to Hall of the Jesuits, and said, ‘ That cannot be, I am Chancellor,’ and said it might proceed from the malice of the priests.

Garnet asked Hall what was said to him of White Webbs : Hall’s answer we could not hear.

* This part of Garnet’s confession, if accurately overheard, seems to confirm the imputation of drunkenness, which was repeatedly charged upon him by his contemporaries. Chamberlain, in a letter to Sir Dudley Carleton, dated 27th March, 1606, says, “ He (Garnet) hath been indulgent to himself in the Gate-house and in the Tower, and daily drunk sack so liberally as if he meant to drown sorrow.” Dr. Abbott says that Garnet had an inveterate habit of drinking to excess ; and relates, that “ on the night before his execution he was so drunk in the Tower that his keeper thought it right to inform Sir William Waad of the circumstance ; who, going with his wife and some other persons to his lodging, found him in a disgusting state of intoxication, speaking thickly and inarticulately, and in the idiotcy of drunkenness, inviting each of them as they came in to drink with him.” *Antilogia*, p. 194. This story might pass, with the other stories of Garnet’s immoralities related by Abbott, as a mere slander, did it not receive some confirmation from his confession to Hall.

† This was Nicholas Owen, who, on the same day on which this conference occurred, committed suicide in the Tower. See *no*, p. 214.

"Garnet made great haste away; for he said he had received a letter from them.

"Garnet told Hall that if it be not known that Mr. Abington was acquainted with their being in his house, he would do well enough.

"And so Garnet broke off in haste, for the reading or writing of a letter; and spake to Hall to make a noise with the shovel.

"EDWARD FORSETT.

"J. LOCHERSON."

The discoveries to which these interlocutions led the way were much more important than any evidence which they furnished in themselves. It is evident that the listeners heard the conversations but imperfectly, and that many things were reported by them the verbal accuracy of which could not be relied upon: but the minutes appear to have been taken with caution and remarkable candour, and quite enough was revealed by the conferences to bring forth further and more material proofs. Until these interlocutions had taken place, Garnet had strenuously denied all acquaintance with the plot previously to the receipt of Digby's letter at Coughton, and besides the unsupported and suspicious testimony of Bates, no evidence had been obtained which tended to implicate him more deeply in the transaction. Expressions were, however, used by him in the course of these interlocutions, which manifested a previous knowledge of the main design of the conspirators.

Both Garnet and Oldcorne, on being charged with these conferences by the Commissioners, firmly denied that any such had taken place. Oldcorne first admitted the fact, probably under torture; but Garnet, even when he was shown Oldcorne's confession, positively declared before the Commissioners, that "he never had any speech or conference with him, and

that Oldcorne might accuse himself falsely, but that he would not accuse himself*." Lord Salisbury said, on the trial, that he denied this "so stiffly upon his soul, reiterating it with so many detestable execrations, as it wounded the hearts of the lords to hear him." Finding, however, that it would be to no purpose to persist in denying a fact which had been established beyond all doubt, not only by the written confession of Oldcorne, but by the testimony of Forset and Locherson, he at length acknowledged the conferences, and was gradually drawn on by expert examinations to admit a variety of facts and circumstances, forming a mass of criminatory evidence from which he afterwards found it impossible to extricate himself. He first confessed two facts which in former examinations he had denied, namely, that he had written to the Jesuit Baldwin in commendation of

* Garnet's Examination, 5th March, 1605-6. "Being told and shewed the Examination of Hall (Oldcorne) under his own hand, whereby Hall chargeth him that they had divers conferences together since their coming into the Tower, the one being on the one side of the door, and the other on the other, saith, that he never had any speech or conference with him, and that Hall may accuse himself falsely, but that he will not accuse himself."

(Signed) "HENRY GARNET."

Garnet afterwards justified this manifest falsehood on the jesuitical principle that no man was bound to charge himself until the imatter of the charge was proved *aliunde*. We shall have occasion to refer more particularly to this doctrine hereafter, which was by no means peculiar to Garnet. In an intercepted letter written "to the Fathers and Brethren of the Society" on Palin Sunday (after his trial), Garnet thus relates this story:—"When the Lords inquired of me concerning my conference with Hall, I denied it. They drove me to many protestations, which I made with equivocation. They then said that Hall had confessed the conference. I replied, 'that I would not confess it; that Hall might accuse himself falsely, but that I would not do so.' As soon as found that they had sufficient proofs, I held my peace; the Lords were scandalized at this. But what should I have done? Why was I to be denied every lawful means of escape?" Abbott's Antilogia, p. 146

Fawkes, when he went over to the Netherlands, shortly before Easter, 1605, to obtain the co-operation of Sir William Stanley and Owen in the plot; and also that he had written to the same Jesuit to commend Sir Edmund Baynham on his mission from the conspirators in September, immediately before the meeting of Parliament. At last, after much difficulty and prevarication, he admitted that the design of blowing up the Parliament House with gunpowder had been revealed to him in July, 1605, by Greenway, who had received it in confession from Catesby, and, as he believed, also from Thomas Winter*. He declared, however, that he endeavoured to dissuade Catesby from his purpose, and desired Greenway to do the same; and that he obtained from the former a promise that "he would not proceed in the matter before he (Garnet) had acquainted the Pope generally with the state of England, and had taken his advice and direction therein." He said also that he advised Catesby to send Sir Edmund Baynham to Rome for that purpose†. He further admitted that Catesby and Thomas Winter had a twelvemonth before, mentioned to him generally that a design was on foot against the government, in consequence of the King's breach of promise with the Catholics, but without explaining the particulars; and that he then again discouraged all attempts at insurrection to the utmost of his power, saying that it was against the express and earnest command of Pope Clement VIII., as signified to him by a letter from the Father-general of the Jesuits‡. In one of his examinations§ at this period, he stated, that "about the time of the resistance of the Bishop of Hereford's

* Garnet's Examination, 12th March, 1605-6.

† Ibid., 12th March, 1605-6.

‡ Ibid., 13th and 14th March, 1605-6.

§ Ibid., 12th March, 1605-6.

officers by Catholics (May 1605), he wrote to the Pope for the staying of all commotions, and received answer from the Pope about Midsummer, wherewith he acquainted Catesby; and that about the beginning of July he wrote again to the Pope, and certified that he hoped to stay all general stirs; but, for that he feared *some particular stratagem*, he desired the Pope to grant a prohibition under censures. Whereunto he received answer about Michaelmas, 1605, "that he (the Pope) was glad that the general (stirs) should be protected, and for any particular, he thought his general prohibition would serve; but if there should be any necessity, upon advertisement thereof, he would grant it." He further stated, that in the early part of June then last, at his chamber in Thames-street, in London, Catesby propounded a question to him in general terms, as to the lawfulness of a design intended for the promotion of the Catholic religion, in the prosecution of which it would be necessary, together with many enemies, to destroy some innocent Catholic friends*. Garnet says, that, in total ignorance of Catesby's intended application of his answer, he replied, that "in case the object was clearly good, and could be effected by no other means, it might be lawful among many nocents to destroy some innocents." Greenway, who was present at this conversation, states, in his Narrative, that Catesby's question referred expressly to his pretended design of serving under the Archduke in Flanders, against the States: he assumed that the general design of fighting for the Catholic cause was lawful and meritorious; but he put, amongst other instances, the case of attacking a particular town defended by the heretical Dutch, in sacking which it might happen that some Catholic

* Garnet's Examination, 6th March, 1605-6. Harl. MSS. No. 360.

inhabitants might be killed or injured, and inquired whether it was justifiable to prosecute a design in which this injustice might probably occur? To which, as a piece of abstract casuistry, Garnet answered in the affirmative. It should be remarked, however, that Garnet himself merely says that he thought it was an idle question of Catesby's, and never gave this explanation of the conversation, though both on his trial and in the course of the previous examinations it was heavily pressed against him. Garnet further confessed, that, about a year before Queen Elizabeth's death, he had received from the Pope's Nuncio in Flanders two papal breves of Clement VIII. ; one of which was addressed to the lay Catholics, and the other to the Catholic clergy of England, together with the copy of a letter of directions from the Pope to the Nuncio. He stated the effect of both the breves to be, "that none should consent to any successor upon Elizabeth's death, however near in blood, who would not only give toleration to Catholics, but would also, with all his might, set forward the Catholic religion, and, according to the custom of other Catholic princes, submit himself to the apostolical see." The effect of the letter to the Nuncio, he said, was to urge him to vigilance, and that "whensoever that wretched woman should depart this life, (*quandocunque contingeret miseram illam fœminam ex hâc vitâ excedere,*) he should immediately certify the event to the Pontiff, and circulate the breves in the Pope's name, and upon his authority, in England." Garnet declared, however, that these breves were not in any way directed against James, who was, at that time, understood to be favourable to the Catholic religion, but against other competitors for the crown*, amongst whom

* The object and intention of these breves were afterwards the subject of much controversy. James complained that they were

he mentions the Earl of Essex, as "perhaps the most mighty of all*." Garnet stated that he had destroyed these breves after the King's accession, though he admitted that he had given them to Catesby and Thomas Winter, who showed them to Percy; and that Catesby had always founded his argument, when dissuaded from any practices against the King, upon these breves, saying, that "sure it was lawful; for if it was lawful by force of the Pope's breves to have

directed against him, and expressly intended to prejudice his accession to the crown of England. The universal acquiescence of the English Catholics in his title on the death of Elizabeth, and the general persuasion of the King's inclination to the Catholic religion, prevalent both among them and at Rome, seem to negative this notion. The favourable disposition of the Pope appears from a letter from Robert Ellyot, an English Catholic at Rome, to Mons. de Lylle, at Paris, dated immediately after the receipt of the tidings of Elizabeth's death. "His holiness," says this writer, "and Cardinal Aldobrandino hath a great care of His Majesty's prosperous success; and meaneth to proceed to avoid all occasions that may breed the least suspicion of impediment to His Majesty's quiet establishment, and to invite him, by good offices, to have commiseration of us Catholics, and unite himself with the body of Christendom; thereby, to content the world and to establish himself in peace and tranquillity. His Holiness hath made a Litany wherein is included all the saints of England and Scotland, which is to be sung for fifteen days in the churches of Rome, for the conversion of the King and his kingdoms; and, this being ended, a Jubilee *de plenariâ indulgentiâ* is to be granted in our English church for the same end." (Additional MSS. Brit. Mus. No. 4160, p. 142.) Greenway says, in his Narrative, that Clement VIII. long afterwards continued to have "a paternal regard" for James, and, relying upon the information of persons who little understood the King's real disposition, still hoped for his conversion. Beaumont, in his Despatches, frequently alludes to this opinion of the Pope, which he assures his own government was totally unfounded, and that the hypocrisy of James had misled Clement in this respect. Nothing indeed is more clear than that the King never seriously intended to become Catholic.

* Garnet's statements respecting these breves are contained in Examinations of the 13th, 14th, and 26th of March, 1605-6 the originals of which are extant at the State-Paper Office.

kept the King out, if he was not a Catholic, it was as lawful now to put him out, when he had declared himself the enemy of Catholics."

The above was the whole substance of the statements made by Garnet before his trial; most of the examinations in which they are contained are still extant at the State-Paper Office with his signature. Many of them were partially read upon his trial, and will be found in the following report. These statements distinctly show that he was acquainted with the particular design of the principal conspirators,—a fact, which subsequently to the interlocutions with Oldcorne, he never attempted to deny. Admitting therefore the truth of all the circumstances alleged by Garnet and his apologists, by way of palliation;—admitting that he sincerely thought himself bound, by the most sacred obligation, not to reveal what he had heard only in consequence of a disclosure in confession; and giving him credit for earnest endeavours to avert the catastrophe, he would still be guilty, upon his own confession, of misprision of treason by the law of England. The bare knowledge and concealment of treason, without any degree of assent thereto, constitutes the crime of misprision of treason, and subjects the offender to forfeiture of all his lands and goods, and imprisonment for life. The concealment becomes criminal, if the party apprised of the treason does not, as soon as possible, reveal it to some magistrate; and no religious scruples respecting confession could by law be allowed as a mitigation of the nature or punishment of an offence so dangerous to the well-being of society. Whether there was any evidence of acts on the part of Garnet, which technically constituted the crime of high treason, for which he was tried and executed, is a question which may be more conve-

niently discussed at the end of the trial, when the reader has the whole facts of the case fully before him.

As soon as it was considered that sufficient proofs for the conviction of Garnet had been extracted, preparations were made for putting him upon his trial. The Jesuit Oldcorne, Garnet's companion at Hendlip and in the Tower, was sent down to Worcester with Mr. Abington and a priest named Strange, to be tried under a special commission, and, with Strange and several other persons, was executed there on the 7th of April*. Oldcorne is said to have been enrolled in the calendar of the Roman Catholic church as a martyr †. If by a martyr is to be understood an innocent person who suffers death for the sake of religion, it is difficult to understand how this Jesuit could be entitled to the honour of martyrdom. He was not, indeed, shown to have been privy to the plot previously to its discovery; and the technical offence laid to his charge was undoubtedly the relief and succour he had afforded to his friend and superior after the proclamation. But there is convincing evidence that after the apprehension of the principal traitors, if he did not directly express approbation of the plot, he evinced no disposition to condemn it. This evidence is contained in a conversation between him and Humphrey Littleton, the account of which is given by Oldcorne in a voluntary declaration ‡ still extant, in his own handwriting; and it is particularly deserving of notice as an example of the distorted perception of right and wrong, which could cause a man of religious education, and apparently of hu-

* Winwood's Memorials, vol. ii. p. 206.

† Ribadeneira, Catalogus Scriptorum Soc. Jesu, p. 377. Antwerp, 1613.

‡ Oldcorne's Declaration, 12th March, 1605-6. State-Paper Office.

mane and quiet character, to hesitate and argue respecting the moral complexion of such an offence as the Gunpowder Treason. "Mr. Humphrey Littleton," says he, "telling me, that after Mr. Catesby saw himself and others in his company burnt with powder, and the rest of the company ready to fly from him, that then he began to think that he had offended God in this action, seeing so bad effects follow of the same; I answered him, that an act is not to be condemned or justified upon the good or bad event that followeth it, but upon the end or object, and the means that is used for effecting the same; and brought him an example out of the book of Judges, where the eleven tribes of Israel were commanded by God to make war upon the tribe of Benjamin; and yet the tribe of Benjamin did both in the first and second battle overthrow the other tribes. 'The like,' said I, 'we read of Lewis, King of France, who went to fight against the Turks, and to recover the Holy Land; but there he lost the whole of his army, and himself died there of the plague. The like we may say, when the Cyprians defended Rhodes against the Turks, where the Turks prevailed and the Cyprians were overthrown. And yet, no doubt, the Cyprians' cause was good and the Turks' was bad.' And this I applied to this fact of Mr. Catesby's. It is not to be approved or condemned by the event, but by the proper object or end, and means which was to be used in it. And because I know nothing of this, I will neither approve it nor condemn it, but leave it to God and their own consciences."

Mr. Abington, whose legal offence, like that of Oldcorne, seems to have been merely the assistance and concealment of Garnet, was also tried, convicted, and sentenced to death, but his connexion with Lord Mounteagle is said to have saved his life; he after-

wards received a pardon on condition of his restricting himself to the county of Worcester for the remainder of his days. Subsequently to this period, Mr. Abington devoted himself with great assiduity to the collection of materials for the history of his native county. "He surveyed Worcestershire," says Anthony Wood*, "and made a collection of most of its antiquities from records, registers, evidences both public and private, monumental inscriptions, and arms. Part of this book I have seen and perused; and find that every leaf is a sufficient testimony of his generous and virtuous mind, of his indefatigable industry and infinite reading." The collections of Mr. Abington were much used by Dr. Nash in his history of Worcestershire. Of the numerous proceedings in the country, under which a great number of other persons were put to death for an imputed connection with the Gunpowder Plot, it is to be lamented that no relation whatever exists.

Garnet, Greenway, and Gerard, had all been charged as principals in the indictment upon which the other conspirators had been tried and convicted; indeed, in that indictment, the whole Powder Treason was stated to have been devised by them, and executed under their encouragement and direction. There was at that time no evidence whatever of these facts except Bates's statement; but the general prejudice against the Jesuits was sufficient to ensure the finding of a true bill against them, and this, it was probably supposed, would be useful in inducing the House of Lords to pass the intended bill of attainder. But the facts stated in the former charge were inconsistent with the discoveries made since Garnet's apprehension, and on that account it became necessary to frame a new indictment. The former case had been tried at Westminster; but with a view to

* *Athenæ Oxon.*, vol. iii. p. 222. Edit. Bliss.

make the proceedings as imposing as possible, and also as a compliment to the citizens, it was arranged that Garnet's trial should take place in the city of London. A special commission was therefore issued into London for the purpose, directed for the most part to the same Commissioners who had presided on the former occasion, with the addition of the Lord Mayor and Aldermen, in compliance with the immemorial privilege of the city.

With respect to the trial of Garnet, it is necessary to state that, though many accounts of it have been published at various times, and by various parties, no accurate or literal contemporary report of the proceedings is to be found. The "True and Perfect Relation of the whole Proceedings," which was printed by the King's printer, and published by authority immediately after the trial, and which, being translated into Latin, and carefully distributed throughout Europe, has become most generally known, is certainly not deserving of the character which its title imports. It is not *true*, because many occurrences on the trial are wilfully misrepresented; and it is not *perfect*, because the whole evidence, and many facts and circumstances which must have happened are omitted, and incidents are inserted which could not by possibility have taken place on the occasion. It is obviously a false and imperfect relation of the proceedings; a tale artfully garbled and misrepresented, like many others of the same age, to serve a state purpose, and intended and calculated to mislead the judgment of the world upon the facts of the case. There is a copy of the trial among the Harleian manuscripts, which is valuable, as containing a particular reference to all the examinations given in evidence, and a full statement of the speech of the Attorney-General. There are also a few

contemporary letters in existence, mentioning the trial in general terms, from which some incidents may be taken ; and in the various histories of the Jesuits many statements respecting occurrences on Garnet's trial are found, which may tend to correct and qualify the gross partiality of the authorized report. Unfortunately, these historians are themselves grossly partial in the relation of a transaction which might tarnish the character of one whom their church had denominated and enrolled a martyr ; in addition to which, their accounts, being generally compiled by foreigners from hearsay, and without any acquaintance with the forms of English procedure, are more absurdly inaccurate, though perhaps less wilfully false, than that published by the authority of the English government. For this reason we have been compelled to draw our materials from this source with great circumspection. The most satisfactory means of enlarging the report of Garnet's trial have been derived from the documents at the State-Paper Office. Most of the original letters, confessions, and examinations, relating to this subject, are still to be found in that depository ; and many of those, the originals of which are lost, are so fully abstracted in the various contemporary works in which Garnet's connexion with the plot has been discussed, that their substance may be readily ascertained. By investigating these documents with the assistance of a curious Analysis of the proofs by Sir Edward Coke (the original of which, in Coke's hand-writing, is still at the State-Paper Office), it may be asserted with confidence, that there is little of the material evidence against Garnet which is not now accessible to those who may have sufficient curiosity and patience to pursue the inquiry. From the original examinations referred to in Sir Edward Coke's Analysis, we have derived assistance with the

most undoubting confidence; and wherever a document, or part of a document, has been found, corresponding in date and in the marginal letters with the Analysis, we have considered it as almost demonstrated that this piece of evidence was used upon the trial, and have accordingly inserted it in the report. After all, the dramatic interest, and the feeling of reality excited by a literal narrative of the proceedings in dialogue, as they occurred, which constitutes the principal charm of a criminal trial to the general reader, is, in this case, entirely lost; and all that can be done is to make the report a vehicle for as many facts and as much useful and interesting knowledge as possible, consistently with a due regard to historical truth.

Trial of Henry Garnet, Superior of the Jesuits in England, for High Treason, on Friday, the 28th day of March, 3 Jac. I., 1606, at the Guildhall of the City of London.

The trial was authorized by a special commission, issued into London, and directed to the following Commissioners—

Sir Leonard Halliday, Lord Mayor of London.

Charles Howard, Earl of Nottingham, Lord High Admiral.

Thomas Howard, Earl of Suffolk, Steward of the Household.

Edward, Earl of Worcester, Master of the Horse.

Henry Howard, Earl of Northampton, Warden of the Cinque Ports.

Robert Cecil, Earl of Salisbury, Principal Secretary of State.

Sir John Popham, Knight, Lord Chief Justice of England.

Sir Thomas Fleming, Knt., Lord Chief Baron of the Exchequer.

Sir Christopher Yelverton, Knt., one of the Judges of the King's Bench.

And several Aldermen of the city of London.

The King was present at the trial privately, with a vast assemblage of courtiers. Several foreign ambassadors also witnessed the trial, and many ladies, amongst whom were the Lady Arabella, the Countess of Suffolk, Lady Walsingham, and the Lady of Sir James Hayes, with many more*. The trial lasted from eight o'clock in the morning till seven at night.

The Lieutenant of the Tower first returned his precept

* Winwood's Memorials, vol. ii. p. 205. Dr. Abbott says, "Assederunt auditores Comites et Barones quamplurimi, magnus Equitum Auratorum splendor, generosorum et populi melioris ingens numerus."—*Antilogia*, p. 9.

with his prisoner, after which the indictment was read by the Clerk of the Crown.

The indictment* recited the calling of a Parliament, and the several prorogations, until the 3d day of October, 1605. It then went on to state "that Henry Garnet, late of London, Clerk, of the profession of Jesuits, otherwise called Darcy, Roberts, Farmer, and Phillipps, together with Robert Catesby, lately slain in open rebellion, and Oswald Greenway, late of London, Clerk, of the profession of Jesuits, as a false traitor against the King, before the said 3d day of October, to wit, on the 9th day of June, 1605, at London, in the parish of St. Michael, in the ward of Queenhithe, and on divers other days and times before and afterwards, and elsewhere within the city of London, traitorously conspired, compassed, and imagined not only to deprive the King of his royal estate and government, but also to kill and to bring to death and final destruction the said King and Prince Henry, his eldest son. And also to raise sedition in the realm of England, and cause a miserable slaughter amongst the King's subjects; and also to excite rebellion against the King, and to alter and subvert the government of the kingdom and the true worship of God established in England; and also to incite and procure foreigners to invade the realm of England with armed men, and to levy war against the King in his realm. And in order effectually to complete and carry into execution these traitorous conspiracies and designs he, the said Henry Garnet, on the said 9th day of June, 1605, at London aforesaid, traitorously met the said Oswald Greenway and Robert Catesby, and discoursed and consulted with them of the means of executing their treasonable intentions and designs. And thereupon the said Henry Garnet, on the said 9th of June, 1605, at London, traitorously concluded and agreed that as well the aforesaid Robert Catesby, as Thomas Winter and Guido Fawkes, together with other false traitors lately attainted of high treason,

* This abstract is taken from the original in *Baga de secretis* In the account of the trial, published with the history of the Gunpowder Treason, Garnet is said to have been tried upon the same indictment as the other conspirators. This mistatement might have arisen from accident or design.

should blow up and utterly destroy with gunpowder the King, Prince Henry, and the Lords and Commons, when assembled in the Parliament-House; and that in pursuance of this traitorous agreement great quantities of gunpowder were, before the said 3d day of October, 1605, secretly carried and placed beneath the Parliament-House."

The indictment having been read over, the Clerk of the Crown desired Garnet to hold up his hand, and asked him if he were guilty of what was contained in the indictment, or not guilty? Garnet pleaded not guilty, and put himself upon God and his country. The Jury were then called, consisting of freemen of London, and before they were sworn, Garnet excepted against Mr. John Eldred, a merchant of London, for being one of his Jury, and the exception was allowed*. Then the Jury were sworn; their names were as follow—

Sir Baptist Hickee †, Knt.
 Sir Wm. Stone ‡, Knt.
 Sir Wm. Herrick §, Knt.
 Thomas Cordell.

* This circumstance is mentioned by Sir Edward Coke, in his Third Institute, p. 27.

† Sir Baptist Hickee was the youngest son of Robert Hickee, a wealthy citizen of London, and a member of the Mercer's Company, who lived in Cheapside; where by his trade he had amassed a large fortune.—Collins's Baronetage, vol. i. p. 343. His eldest brother, Sir Michael Hickee, was a person well known at the court of James I., and was the intimate friend of Lord Salisbury. Several letters of his may be found in Lodge's Illustrations. Sir Baptist Hickee, though knighted by James, continued his shop in Cheapside, which occasioned a curious contest between him and the Court of Aldermen. In the early part of the reign of Charles I. he was raised to the peerage by the titles of Baron Hickee, of Kenington, in the county of Warwick, and Viscount Campden, of Campden, in the county of Gloucester.

‡ Sir William Stone was one of the most wealthy inhabitants of London, and a member of the Clothworkers' and Turkey Companies. In 1607 he was master of the Clothworkers' Company.—Stow's London, p. 306.

§ Sir William Herrick was a citizen of London, distinguished by his great wealth, as well as his address and abilities. He held a

Robert Chamberlain.
 William Garraway.
 Henry Butler.
 Florence Caldwell.
 William Bonham.
 Robert Brooke.
 George Holman.
 Richard Barrell.

Then Garnet was commanded again to hold up his hand, and the indictment was again read over; after which proclamation was made, that if any person could inform against the prisoner at the bar, he should come forth and be heard.

Then Sir John Croke, the King's Sergeant-at-law, opened the effect of the indictment to the Jury; he told them that Garnet was *vir multorum nominum*, but not *boni nominis*; and concluded by telling them that "they should have evidences to prove the prisoner guilty that should be *luce clariores*, that every man might read them running; they should have *testimonia rerum*, and *loquentia signa*, witnesses and testimonies of the things themselves; *Reum confitentem*, or rather, *Reos confitentes et accusantes invicem*; that every one may say unto him, *serve nequam*, thou wicked subject, thou wicked servant, *ex ore tuo te judico*; of thine own mouth I judge thee, of thine own mouth I condemn thee. And this shall be made so manifest by him that best can do it as shall stop the mouth of all contradiction."

Attorney-General (Sir Edward Coke). Your Lord-

high place in the favour of Queen Elizabeth, and James had given him the office of his principal jeweller for life before his arrival in London. He was knighted on Easter Tuesday, 1605, in consequence of his skill in drilling a hole in the King's great diamond.—Winwood's Memorials, vol. ii. p. 57. He was member of Parliament for his native town of Leicester in 1601, and again in 1605; and had been elected alderman of the Ward of Farringdon Without in May, 1605, but fined off. He was held in particular esteem by the nobility and courtiers, to several of whom he had lent large sums, especially to the Earls of Nottingham and Suffolk. He had also lent money to the King himself.

ships may perceive by the parts of the indictment, which have been succinctly opened, that this is but a latter act of that heavy and woeful tragedy of the Powder Treason, which is to be proved against this prisoner at the bar, Mr. Garnet, wherein some have already played their parts, and, according to their demerits, suffered condign punishment and pains of death. We are now to proceed against this prisoner for the same treason; in which respect the necessary repetition of some things before spoken shall at the least seem tolerable. Nay, it may be thought justifiable to repeat in this case; for, that in respect of the confluence and access of people at the former arraignment, many could not hear at that time, and because I am now to treat of a man, of another quality and profession. And yet, because I fear it would be tedious, for that most of all my Lords Commissioners and of this honourable and great assembly were present of the former arraignment, I will only touch very little of the former discourse or evidence; and that little shall be worth the hearing, as being indeed of weight and moment; and all this with very great brevity.

But before I further proceed to the opening of this so great a cause, I hold it fit and necessary to give satisfaction to two divers and adverse sorts of men, who have divined and conjectured diversely of the cause of the delay of proceeding against this person, the matter wherewith he stands being so transcendant and exorbitant as it is. The first of these, out of their hearty love and loyalty to their natural liege lord and King, and to their dear country and this state, have feared lest that others might be animated by such protraction of judgment to perpetrate the like treasons and offences. Now, for these men, pity it were that the eye of their understanding should not be enlightened and cleared, so that, being by demonstrative and luculent proofs convinced, this delay hath been favourable and necessary to their prince and country. The other sort are of those who fall to giving out that no Jesuits or churchmen were privy to this treason, founding themselves upon these presumptions and conjectures; First, that if he, or any of the Jesuits, had indeed been justly to be touched with this most damnable and damned treason, surely they

should have been brought forth and tried before this time; Secondly, that there was a bill exhibited in Parliament concerning this treason and this traitor, but that it was deferred, and proceeded not, for want of just and sufficient proofs; nay, thirdly, there was an apology spread abroad for this man in particular, and another for all Jesuits and priests in general, together with this imputation, that king-killing and queen-killing was not indeed a doctrine of theirs, but only a fiction and policy of state, thereby to make the Popish religion to be despised and in disgrace. Concerning the true cause of the delay must I remember, first, the great pains of my Lords the Commissioners of His Majesty's Privy Council in this cause; for Garnet being first examined upon the 13th of the last month, hath since been again examined and interrogated above twenty-three several times, which lasted unto the 26th of March, within two days of this arraignment. Touching the bill in Parliament, it was indeed exhibited before Garnet was apprehended; but upon his apprehension, His Majesty's gracious pleasure was, that albeit this treason be without all precedent and example, yet that this mode of proceeding in Parliament being extraordinary, should not be pursued; but that this prisoner, as the former, should be indicted, arraigned, and publicly heard in the ordinary course of justice. Concerning their apologies and the fictions of state (as they term them) answer shall be made by God's grace in the proper place, when I come to lay open the plots and practices of the Jesuits, to the satisfaction of all this honourable and great assembly.

But first I have humbly to assure your Lordships and the rest of this grave auditory for myself, that if I necessarily name great princes, I shall do it with protestation and caution, that no blot is intended to be laid upon any of them. I know there is, "*lex in sermone tenenda*," a law and rule to be observed in speaking, especially in this kind; and that kings and great princes, and the mighty men of this earth are to be reverently and respectfully dealt withal; and therefore I humbly recommend unto you these considerations concerning this point of mentioning foreign states:—1st. That the kingdoms

were at those times in open enmity and hostility, and that might be honourable at one time which was not so at another; so that hostile actions were then justifiable and honourable, as being in times of hostility and war. 2dly. That in these things it is not the King's Attorney that speaks, but the offenders themselves; for their examinations cannot otherwise be opened and urged against them; the mention of great men being, by the impudence of these wicked traitors, so woven into their confessions as they cannot be severed. And with this comfort I conclude the preface, that I hope in God this day's work, in the judgment of so many as shall be attentive and well disposed, shall tend to the glory of Almighty God, the honour of our religion, the safety of his most-excellent Majesty and his royal issue, and the security of the whole commonwealth.

For memory and method, all that I shall speak may be contracted to two general heads. 1. I will consider the offences, together with certain circumstances *precedent* before the offence, *concurrent* with the offence, *subsequent* after the offence. 2. I will lay down some observations concerning the same. First, I must speak of several treasons, but principally of this, which, for distinction and separation of this from the other I will call the Jesuits' treason, as belonging to them both "*ex congruo et condigno*;" they were the proprietaries, plotters, and procurers of it; and therefore Mr. Garnet is a greater offender than the former traitors; for in such crimes "*plus peccat author, quam actor*," the author or procurer offendeth more than the actor or executor; as may appear by God's own judgment given against the first sin in Paradise, where the serpent had three punishments inflicted upon him as the original plotter; the woman two, being as the mediate procurer; and Adam but one, as the party seduced. The circumstances precedent and subsequent to this treason are, indeed, in their proper natures all high treasons; but yet, in respect of the magnitude, nay, monstrousness, of this treason, may comparatively, without any discountenance to them in this case, be used as circumstances. And because I am to deal to-day with the Superior of the Jesuits, I will only touch such treasons as have been

plotted and wrought by the Jesuits since the superiority of this man in England, whereof he may truly say, "*et quorum pars magna fuit*. And inasmuch as this prisoner is a grave and learned person, I will force my nature to deal mildly with him.

The coming of Garnet into England was about twenty years past, viz. in July, 1586, in the twenty-eighth year of the reign of the late Queen, of famous and blessed memory, which very act was a treason; for the year before there was a statute made, whereby it was treason for any who was made a Romish priest by any authority from the see of Rome since the first year of the reign of Queen Elizabeth to come into her dominions. This statute the Romanists calumniate as an upstart, bloody, cruel, and unjust law, and abuse that place of our Saviour, "O Jerusalem, Jerusalem, thou that killest the prophets, and stonest them that are sent unto thee," to that purpose; but indeed it was, and I will make it appear, the most mild, honourable, and temperate law, founded upon great equity and justice, and upon the ancient fundamental laws of England. For (as hath already in the former arraignments been touched) before the bull of *impious* Pius Quintus, in the eleventh year of the Queen, wherein her Majesty was excommunicated and deposed, and all they accursed who should yield any obedience unto her, there were no recusants in England. Sir Henry Bedingfield, Sir Thomas Cornwallis, Pleydome, all came to church (howsoever popishly inclined or persuaded in most points) to the same divine service we now use. But upon the issuing of that bull they presently refused to assemble in our churches, or join with us in public service; not for conscience of any thing there done against which they might justly except out of the word of God, but because the Pope had excommunicated and deposed her Majesty, and cursed those who should obey her. The consequences of this bull were open rebellion in the north and many garboils. Now truly most miserable and dangerous was the state of Romish recusants in respect of this bull; for either they must be hanged for treason, in resisting their lawful sovereign, or cursed by the Pope, for yielding due obedience unto her Majesty. But of this Pope it was said by some of his own favour-

ites, that he was a holy and a learned man, but over-credulous; for that he was informed and believed that the strength of the Catholics in England was such as was able to have resisted the Queen. But when the bull was found to take such an effect, then there was a dispensation given, both by Pius Quintus himself and Gregory the Thirteenth, that all Catholics here might procure quiet and peace by showing outward obedience to the Queen, but with these cautions and limitations:—1stly, "*Rebus sic stantibus*," things so standing as they did; and, 2dly, "*Donec publica bullæ executio fieri posset*," that is, until they should grow into strength and become able to resist and overcome.

In the twentieth year of Queen Elizabeth came Campion, a Superior Jesuit, Harte, and others of his profession with him, purposely to make a party in England for the Catholic cause, and that the bull of Pius Quintus might be put in execution. And yet though all this while recusancy, being grounded upon such a disloyal cause, was a very dangerous and disloyal thing, yet was there no law made against recusants until the twenty-third year of her Majesty's reign, when a mild law was made that they should either come to church or pay twenty pounds a month for refusing to do so; which, indeed, was too easy a law, considering the many bloody plots of the Papists against the Queen.

In the twenty-sixth of Elizabeth came Parry, with a resolution from Cardinal de Como and others that it was lawful to kill her Majesty, because she was an heretic and excommunicated. Now, if a subject shall affirm that his sovereign is not lawful sovereign, (as all Jesuits and seminary priests did of the Queen,) and that his subjects ought not to obey him, what should the King or Queen do in this case? for if protection is due from the Prince to the subject, there must, on the other hand, be allegiance from the subject to the Prince. Wherefore the Queen, for the safety of herself and the protection of her subjects, by the advice of her Parliament, devised this moderate and mild course as the best means,—namely, to prohibit their coming at all into her land, by making it treason if they did so. For no King could ever endure such persons within his dominions as

should deny him to be lawful King, or go about to withdraw his subjects from their allegiance, or incite them to resist or rebel against him. Nay, the bringing in of a bull by a subject of this realm against another in the third year of Edward I. was adjudged treason, and the offender should have been executed; but at the instance of the Lord Treasurer he was banished the land. If this were treason in those days, then this law of Elizabeth may be called a declaratory law, and a mild law, being to keep both Prince and subjects in safety.

And now will I answer that pamphleteer that asked, "Where our church was before the time of Luther?" I say that Luther was before any Jesuit was; and that Rome was sometime in her integrity, when thirty of her bishops were martyrs for maintenance of true Christian religion. But now I compare the church to a wedge of fine gold, which, coming into the hands of impostors, is by their worldly sophistications and mixtures increased into a huge body and mass with other metal, still retaining an outward fair show and semblance of gold. Then comes one and saith, "Where is the gold? shew it me!" I answer, "I know it is in that mass, but where, and in what part, I cannot resolve you; the purifying and extracting it must be done by some cunning workman with his touchstone and instruments." So the true religion and service of Almighty God being, for human respects and worldly pomp, mixed and overladen with a number of superstitious ceremonies and inventions of the church of Rome, is now difficult to discover; yet God had ever his true church, containing his truth, which hath been by skilful workmen, with the touchstone of the word of God, refined and separated from the dross of man's inventions.

But to proceed: in the twenty-eighth year of Queen Elizabeth, being the year 1586, in June came Garnet into England, breaking through the brassy wall of treason; and this was at that time when the great navy of Spain was collecting, which the Pope blessed and christened by the name of "The Invincible Armada," and which, by the instigation of that high priest of Rome, had been prepared and compounded of many parcels, out of divers parts, and of all the kingdom of Christen-

dom, for the invasion of England. The purveyors and forerunners of this navy and invasion were the Jesuits, and Garnet among them, being thus a traitor, even in his very entrance and footing in the land. But the Queen, without the help of any friends or allies, with her own ships and her own subjects, knowing it was God's cause, stood in defence, prepared to resist this great enemy; and then the anger of God himself (whose cause indeed it was, and who ever upholdeth them that fight in his quarrel) waxed hot, and coming with his weapons, which are the seas, and winds, and tempests, did scatter and destroy the most of them; so that of 158 scarce 40 of their ships returned to the bar of their own haven. In-somuch that we may say of Queen Elizabeth as the poet writeth of the Christian Emperor :--

" O nimium dilecta Deo, cui militat æther,
Et conjurati veniunt ad classica venti!"

And it may here be noted, that since the Jesuits set foot in this land there never passed four years without a most pestilent and pernicious treason, tending to the subversion of the whole state; for after that hostile invasion in 1588, the Jesuits fell again to secret and treasonable practices; and in the year 1592, came Patrick Cullen, the Irishman, who was incited by Sir William Staniey, Hugh Owen, and Jacques Fraunces, to kill the Queen. Cullen at the first made a conscience to depose and kill the Queen; but Holt the Jesuit confirmed him, and gave him absolution, and then the sacrament, thereupon saying that it was both lawful and meritorious to kill her. "Nay," said Jacques (that base laundress's son, who was a continued practiser both with this Cullen and others to destroy Her Majesty), "the state of England is and will be so settled, that unless Mistress Elizabeth (giving the Queen no other title) be suddenly taken away, all the devils in hell shall not be able to shake it."

Now Cullen's treason was accompanied with a book called "Philopater," written for the abetting and warranting such a devilish act in general, by Cresswell, the legier Jesuit in Spain.

Then, in 1594, came Williams and Yorke, to the same

end, viz. to kill the Queen; being wrought to undertake so vile and detestable a fact by Father Holt the Jesuit, and other his complices; and thereupon the said Williams and Yorke, in the Jesuits' College, received the sacrament together of Father Holt, and other Jesuits, to execute the same. And that treason likewise was accompanied with a book, written by the Prefect of the Jesuits in Rome, Parsons, under the name of Doleman, concerning titles, or rather tittles—a lewd and a lying book, full of falsehood, forgery, and malediction; wherein he endeavoured to falsify all Acts of Parliament made for the succession to the English crown, and wrested strange pedigrees to make clear a foreign title.

Four years afterwards, namely in 1597, came Squire from Spain, to poison the Queen's saddle, incited, directed, and warranted by Walpole, a Jesuit, then residing there; at whose hands likewise, after absolution, he received the sacrament, as well to put the practice in execution as to keep it secret.

All these treasons were freely and voluntarily confessed by the parties themselves, under their own hands, and yet remain extant to be seen.

In the year 1601, when secret practices failed, then was foreign invasion and open rebellion again attempted; for then, as in the former arraignment hath been declared, was Thomas Winter employed to the King of Spain, together with Greenway the Jesuit, by this Garnet, who wrote his letters to Arthur, *alias* Joseph Cresswell (the only man whom I have heard of to change his christian name), the legier Jesuit in Spain, for the furtherance of that negotiation, which was, as hath been said, to offer the services of the English Catholics to the King, and to deal further concerning an invasion, with promise from the Catholics here of forces, both of men and horses, to be in readiness to join with him. This negotiation, by the means of Cresswell, to whom Garnet wrote, took such effect, that the two kingdoms, standing then in hostility, the proposition of the English Romish Catholics was accepted and entertained by the King of Spain; an army to invade, as hath been specified in the former arraignment, was promised, and 100,000 crowns granted to be distributed amongst Romanists and dis-

contented persons, for the furtherance of the said service, by making a party in England. In the mean time the King of Spain earnestly desired, that if the Queen of England should happen to die he might receive present and certain advertisement thereof. Now this treason was accompanied with the Pope's own writings; for the holy father caused to be sent hither to Garnet two breves or bulls, one to the clergy and another to the laity; wherein observe the direction, the matter, the time. The direction of the one was, "*Dilectis Filiis, Principibus et Nobilibus Catholicis Anglicanis, Salutem et Apostolicam Benedictionem,*" that is, "To our beloved sons the Nobles and Gentlemen of England, which are Catholics, Greeting and Apostolical Benediction." The direction of the other was "*Dilectis Filiis, Archiepiscopytero et reliquo Clero Anglicano,*" &c., "To our beloved sons, the Arch-priest and the rest of the Catholic clergy." The matter was, that after the death of her Majesty, whosoever should lay claim or title to the crown of England, though never so directly and nearly interested therein by descent and blood royal; yet unless he were such an one as would not only tolerate the Catholic (Romish) religion, but by all his best endeavours and force promote it, and, according to the ancient custom, would, by a solemn and sacred oath, religiously promise and undertake to perform the same, they should admit or receive none to be King of England.

As for King James (at whom the Pope aimed) I will make it appear that he hath indeed both *propinquitatem* and *antiquitatem regalis sanguinis*, propinquity and antiquity of blood royal, for his title and claim to this crown, both before and since the conquest. To insist upon the declaration and deduction of this point, and pass along through the series and course of so many ages and centuries, as it would be over-long for this place, so further I might herein seem, as it were, to gild gold; only, in a word, his Majesty is lineally descended from Margaret the Saint, daughter of Edward II. before the conquest; which Margaret, sole heir of the English-Saxon king, was married to Malcolme, King of Scotland, who by her had issue, David the Holy, their king, from whom that race royal at this day is adduced, and Maud the Good, wife

of the first and learned Henry, King of England, from whom his Majesty directly and lineally proceedeth. And lastly, his Majesty cometh of Margaret also, the eldest daughter of Henry VII., who was descended of that famous union of those two fair roses, the white and the red, York and Lancaster; the effecting of which union cost the effusion of so much English blood. But a more famous union is by the goodness of the Almighty perfected in his Majesty's person of divers lions, two famous, ancient, and renowned kingdoms, not only without blood or any opposition, but with such an universal acclamation and applause of all sorts and degrees, as it were with one voice, as never was seen or read of. And therefore, most excellent King,—for to him I will now speak,—

“ Cum triplici fulvum conjunge leonem
 Ut varias atavus juaxerat ante rosas;
 Majus opus varios sine pugna unire leones,
 Sanguine quàm varias consociasse rosas.”

These four noble and magnanimous lions, so firmly and individually united, are able without any difficulty or great labour, to subdue and overthrow all the letters and bulls, and their calves also, that have been, or can be, sent into England.

Now for the time: observe that these bulls or breves came upon the aforesaid negotiation of Thomas Winter into Spain, when an army should shortly after have been sent to invade the land; and this was to be put into execution, “*quandocunque contingeret miseram illam faminam ex hac vitâ excedere,*” whensoever it should happen that that miserable woman (for so it pleased the high-priest of Rome to call the great Queen Elizabeth), should depart this life. Was Queen Elizabeth miserable? But was that great Queen, of famous memory, to be accounted miserable, whom Almighty God so often and so miraculously protected, both “from the arrow that flieth by day,” their great Armada, and “from the pestilence that walketh in the darkness,” their secret and treacherous conspiracies? that did beat her most potent enemies? that set up a king in his kingdom? that defended nations, and harboured and protected distressed

people? that protected her subjects in peace and plenty, and had the hearts of the most and the best of her subjects? that reigned religiously and gloriously, and died christianly and in peace? Oh, blessed Queen! our late dear sovereign! "*semper honos nomenque tuum laudesque manebunt.*" And when it pleased God to take her Majesty out of this transitory life, and that morning star, in fullness of time lost her natural light, then the great and glorious sun appeared in our horizon. And now, since the coming of our great King James, have there been in succession of time four years before another treason was hatched? No, not four months! For, first, in March, 1603, when the Queen was hardly dead, and before they had seen his Majesty's face*, was Christopher Wright employed into Spain, by Garnet, Catesby, and Tresham, to give advertisement of the Queen's death, and to continue the former negotiation of Thomas Winter; and by him also doth this Garnet write to Cresswell, the Jesuit, in commendation, and for assistance and furtherance of his business. As also on the 22d of June following, was Guy Fawkes sent out of Flanders, by Baldwin the Jesuit, by Sir William Stanley, and Hugh Owen, about the same treason; and by letters from Baldwin, directed and commanded to Cresswell, the legier Jesuit in Spain, for the procuring of his despatch, as in the former arraignment hath been declared. In the same June doth Garnet the superior, together with Gerard and other Jesuits and jesuited Catholics, labour not only in providing of horses, which by Thomas Winter and Christopher Wright, upon their several negotiations, they, in the names of all the Catholics in England, had promised the King of Spain, but also did, by force of the said two bulls or breves, dissuade the Romish Catholics from yielding their due obedience to his Majesty, for that he was not of the Roman religion. But are these the fruits of their religion, to practice treason at home, and, if that fail, to procure foreign invasion? The church of God hath no arms but tears and prayers, and the war of the church was wont to be "*ferendo non feriendo,*" with patience, not with blows;

* See Lord Salisbury's Letter to the Attorney-General, *ante*, p. 120 (note).

but these Jesuits, who call themselves churchmen, hunt up and down for arms and horses, and spare no pains nor labour to accomplish their treasons. Now note, the same June, which was in 1603, brake out the treason of the Romish priests, Watson and Clarke, as also that other of Sir Walter Raleigh and others. But the Jesuits seeing that the peace was now in great forwardness, and having advertisement, also, that the King of Spain did now distaste their propositions, fell again to secret practice. As for the bulls or breves before mentioned, when Catesby had informed Garnet that King James was proclaimed, and the state settled, they were by Garnet, as himself hath affirmed, burnt. But to proceed:—

In March, 1603, Garnet and Catesby (a pestilent traitor) confer together, and Catesby in general telleth him (though most falsely) that the King had broken promise with the Catholics, and therefore assuredly there would be stirs in England before it were long. Now, without question, Catesby at this time discovered the whole plot to Garnet, who not only concealed it with the hope of good success therein, but, as it is probable, gave warrant to Catesby therein to proceed, as in an action very lawful; for Catesby swore he was resolved, by good authority, that the cause was justifiable. Not long after, Catesby and Thomas Percy met and had conference respecting the general discontent of Catholics in England; and after an unjust but grievous complaint made by Catesby, of the King's proceedings, for that, contrary to their expectations, his Majesty did hold the same course which the Queen had done before, Percy breaks forth suddenly into this devilish speech, "That there was no way but to kill the King," and swore, with a great oath, that he would do it with his own hand. But Catesby, as being "*versuto ingenio et profundâ per-
fidia*," a cunning, a wily, and a deep traitor, intending to use this so furious and fiery a spirit to a further purpose, doth, as it were, stroke him for his great forwardness, yet with sage and stayed counsel tells him, "No, Tom, if thou wilt be a traitor, never adventure thyself to so small purpose; I'll tell thee of a treason to greater advantage, and such a one as can never be discovered;" and then he told him of the Powder Treason.

Now here it is to be noted, that in January, in the first year of his Majesty, Garnet took out a general pardon of all treasons (which pardon his Majesty of his grace granted to all men, at his first entrance into his kingdom), under the name of Henry Garnet, of London, gentleman; but therein he never used any of his "*alias dictus*," Walley, Farmer, or any other of his feigned names.

In March following, Catesby, Thomas Winter, and his crew, resolve upon the Powder Plot, and Fawkes, as being a man unknown, and withal a desperate person, and a soldier, was resolved upon as fit for the executing thereof; to which purpose he was, in April following, by Thomas Winter, sought and fetched out of Flanders into England.

In May, in the second year of his Majesty, Catesby, Percy, John Wright, Thomas Winter, and Fawkes meet, and having, upon the Holy Evangelists, taken an oath of secrecy, they all were confessed, had absolution, and received thereupon the sacrament, by the hands of Gerrard the Jesuit, then present.

In June following doth Greenway, the Jesuit, consult with Garnet, his Superior, about divers treasonable matters, and in such conference informs him of the whole course of the Powder Treason at large; wherein mark the politic and subtle dealing of this Garnet. First, he would not, as he saith, confer of it with a layman (other than Catesby, whom he so much trusted), why so? Because that might derogate from the reverence of his place, that a Jesuit, and a Superior of them, should openly join with laymen in a cause of so much blood. And therefore, secondly, as he would consult of it with a priest and a Jesuit, one of his own order, and his subject; so, for his further security, he would consult thereof with Greenway the Jesuit, as in a disguised confession. And being informed that the discourse would be too long to repeat kneeling, he answered that he would consult with him of it in confession walking; and so accordingly, in an ambulatory confession, he at large discoursed with him of the whole plot of the Powder Treason; and Garnet hath confessed that, in this conference, Greenway told him that a Protector, after the blow given, should be chosen

out of such of the nobility as should be warned and preserved.

In this month, likewise, was there a great conference and consultation betwixt Garnet, Catesby, and Francis Tresham, concerning the strength of the Catholics in England, to the end that Garnet might, by letters, send direct advertisement thereof to the Pope; for that his holiness would not be brought to show his inclination concerning any commotion or rising of the Catholic party, until such time as he should be certainly informed that they had sufficient and able force to prevail. About this time also Catesby had speech with Garnet about stirs, when Garnet said "He disliked stirs unless the Pope's consent were obtained," and asked him "how he could justify it?" To which his scholar, Catesby, answered, that "he justified it by the two breves; and that he took it that the Pope had already granted his consent." "For," said he, "if it were lawful not to receive or to repel the King, as the said breves did import, it is now lawful to expel or cast him out."

Upon the 7th of July, 1604, was the Parliament prorogued until the 7th of February, and in November next following the prorogation, Thomas Bates, being fetched in by Catesby, his master, to participate in the Powder Treason, doubts whether he might put his hand to so horrible an act, and, coming to Greenway the Jesuit, tells him his purpose. Greenway heareth his confession, absolveth him, and encourageth him to go on, saying, not only "That it was for a good cause, and that he might and ought to conceal it, as committed unto him in secret by his master, but that it was no offence at all, but justifiable and good."

About this time Robert Keyes was taken into the confederacy, and, by Catesby, resolved of the lawfulness thereof from the Jesuits.

On the 11th of December they entered the mine; and in March following, which was in 1605, was Guy Fawkes sent over to Sir William Stanley, with letters from Garnet to Baldwin, the legier Jesuit there, to take order, that against the time of the blow, the forces might be brought near to the sea-side, to the end that they might suddenly be transported into England. And there

doth Fawkes, by the consent of the confederates, give Owen the oath of secrecy and perseverance, and then acquaints him with the whole treason; who having been a most malicious and inveterate traitor, greatly applauded it, and gave his consent and counsel for the furtherance thereof.

In May, 1605, fell out certain broils in Wales by the Romish Catholics, at what time also Rookwood was by Catesby acquainted with the Powder Treason, and resolved of the lawfulness of the fact by him, as from the Jesuits.

But Catesby, at this time, fearing lest any of those whom he had taken, or should thereafter take, into confederacy, being touched in conscience with the horror of so damnable a fact, might give it over, and endanger the discovery of the plot, seeks from Garnet (as being the Superior of the Jesuits, and therefore of high estimation and authority amongst all those of the Romish religion) his judgment and resolution in conscience, concerning the lawfulness of the fact, that thereby he might be able to give satisfaction to any who should in that behalf make doubt or scruple to go forward in that treason. And therefore Catesby, coming to Garnet, in June 1605, told him there would be stir; Garnet seemed to dissuade him (but this was most plainly only a colour). Whereupon Catesby propounded unto him the case, and asketh, Whether for the good and promotion of the Catholic cause against heretics (the necessity of time and occasion so requiring), it be lawful or not, amongst many nocents to destroy and take away some innocents also? To this question Garnet advisedly and resolvedly answered, that if the advantage were greater to the Catholic part, by taking away some innocents together with many nocents, then doubtless it should be lawful to kill and destroy them all. And to this purpose he alleged a comparison of a town or city, which was possessed by an enemy; if at the time of taking thereof there happen to be some few friends within the place, they must undergo the fortune of the wars in the general and common destruction of the enemy. And this resolution of Garnet, the Superior of the Jesuits, was the strongest and the only bond whereby Catesby afterwards kept and retained

all the traitors in that so abominable and detestable a confederacy.

Now, in August last, doth Garnet write to Rome, that commandment might come from his Holiness, or else else from Aquaviva, the General of the Jesuits, for the staying of all commotions of the Catholics here, in England, intending by this, to set the whole rest of the Catholic Romish cause upon the Powder Plot, and, in the mean time, to lull us asleep in security, in respect of their dissembled quietness and conformity; as also fearing lest impediment might be offered to this main plot, by reason of any suspicion of the stirring of Papists, or of inquiry after them upon occasion of any petty commotions or broils. This trick he used like a thief that goes about to steal partridges with a setting-dog, chideth his dog for questing or going too near, for fear he should put up the game before he hath laid his net over them, and so his purpose be defeated. But when he further desired, that it might be so enjoined upon censures, that latter request was not granted, lest it might indeed be an impediment to the Powder Plot.

And in August following, Garnet, in a conference had about the acquainting of the Pope with the Powder Treason, named and appointed Sir Edmund Baynham as a fit man for to carry that message to the Pope; who being a layman, should not go to him as Pope, but as a temporal prince. Whereupon it was so concluded; and Gerard had his hand deepest in that; and by Baynham doth Garnet write letters in that behalf; as also for staying of commotions under pain of censures, well knowing that before his letters could be answered, the House of Parliament, according to their designs, should have been blown up, and the whole state overthrown. But it seems they were strangely beset for a messenger, in a cause they accounted so weighty, when they would choose no man for this purpose but the Captain of the Damned Crew. After all this it was not long before it was agreed upon that Garnet should write to Baldwin, the legier Jesuit in the Low Countries, in the behalf of Catesby, that Owen should move the Marquis Spinola for a regiment of horse for him, the said Catesby; not with any intent that Catesby should undertake any such

charge, but that under colour of it, horses and other necessaries might be provided without suspicion, to furnish the traitors.

In September following, doth Parsons the Jesuit write to Garnet, to know the particulars of the project in hand in England. As for the journey to St. Winifred's Well in this month, it was but a jargon to have better opportunity, by colour thereof, to confer and retire themselves to those parts. In October doth Garnet meet the other traitors at Coughton, in Warwickshire, which was the place of rendezvous, whither they resorted out of all countries. Upon the 1st of November, Garnet openly prayeth for the good success of the great action, concerning the Catholic cause in the beginning of the Parliament, and prayer is more than consent, for "*nemo orat sed qui sperat et credit.*" He in the prayer used two verses of a hymn—

"Gentem auferte perfidam
Credientium de finibus;
Ut Christo laudes debitas
Persolvamus alacriter*."

* Much stress seems to have been laid by the Attorney-General upon the fact that Garnet used these verses in his service on All Saints' Day (Nov. 1). In consequence of the imperfect report of the speech, it is not quite clear in what manner this fact was applied. The verses are taken from one of the ancient and curious Latin hymns which were used in the Roman church, and many of which are as old as the 4th century. This hymn, which begins "Christe, Redemptor omnium," formed part of the service expressly appointed for the 1st of November in the Breviaries authorized by Pius V. and Clement VIII., and in use at Garnet's time; and continues to be so at the present day. It appears, however, from an Examination of Oldcorne, *post*, p. 284, that Garnet told him that the Pope had granted an indulgence to all those that said these verses, and also the psalm *Deus, venerunt gentes, &c.* Oldcorne, in a Declaration dated March 25, 1605-6, explains this rather more fully by stating Garnet's admission, that Pope Gregory XIII. had, at the request of Cardinal Allen, in Queen Elizabeth's time, granted an indulgence to those Catholics "that did devoutly, for the conversion of England, say that verse which is in the hymn of Allhallow Day, 'Gentem,' &c. and the Psalm 78, 'Deus,' &c." The psalm alluded to is the 79th, in which the Psalmist complains

Now on the 4th of November was the letter delivered to the Lord Mounteagle, by whom, as a man ordained of God extraordinarily to prevent so extraordinary a deed (whose memory shall ever be blessed), was this treason discovered, not many hours before it should have been executed. And God inspired the King's Majesty's heart with a divine interpretation thereof.

On the 5th of November, being the time when the traitors expected that their devilish practice should have taken effect, they rode to Dunchurch, under colour of a great hunting match, appointed by Sir Everard Digby, as a man of quality and account thereabout; purposing by this means to furnish themselves with company for their intended insurrection and rebellion; for that men being gathered together, and a tumult suddenly arise, the traitors thought that every or most of them would follow the present fortune, and be easily persuaded to take part with them, and that they might easily surprise the person of the Lady Elizabeth, then being in those parts, in the Lord Harrington's house.

Upon the 6th of November, early in the morning, Catesby and the said confederates despatched Thomas Bates with a letter to Garnet, the Superior of the Jesuits, who was (as they well knew) then ready at Coughton near unto them, earnestly entreating his help and assistance for the raising of Wales, and putting so many as he could into open rebellion. At what time Garnet and Greenwell (who then of purpose was there with Garnet), then certainly perceiving that the plot was indeed discovered, and knowing themselves to be the chiefest authors thereof, prophesied the overthrow of the whole order of the Jesuits; saying, that they feared that the discovery and miscarrying of this practice would utterly undo and overthrow the whole society of the Jesuits.

that unbelievers have desolated Jerusalem, and calls upon God in strong language for vengeance. The whole psalm was remarkably apposite to the state of the English Catholics, and well calculated to exasperate their excited feelings; and unquestionably if it had been shewn that Garnet read that psalm on the 1st of November, that fact would contradict his own account of the object of his prayers on that day: but there is no specific proof that he did use it.

Caiaphas, the high-priest, did sometimes prophecy truly, and God grant that these Jesuits may have done so to!

Greenwell, the Jesuit, being carried with a violent and fiery spirit, posteth up and down to incite such as he could to rise up in open rebellion; and meeting in Master Abington's house with Hall (Oldcorne), another Jesuit, adviseth him, the said Hall, likewise to lose no time, but forthwith to seek to raise, and stir up so many as he could. But Hall seeming to deliberate thereof, whether seeing no end of so rash an attempt, or fearing by that means to be himself apprehended, Tesmond told him that he was a flegmatic fellow, and said, a man may herein see the difference betwixt a flegmatic man (such he meant Hall was) and a choleric, as he said himself was; and further added, that he was resolved to do his best endeavours for the raising of a rebellion, under this false pretext and colour, that it was concluded that the throats of all the Catholics in England should be cut; so persuading himself to incite them to take arms for to stand upon their guard and defence. And with this device he posted away into the county of Lancaster. That Hall the Jesuit approved the treason is clear; for, after the discovery, being urged by Humphrey Littleton, with the evil success of their intended treason, that surely God was displeased and offended with such bloody and barbarous courses, instead of an humble acknowledgment of the justice of God, and a sense of the wickedness of the treason, fell rather satanically to argue for the justification of the same; and said, "Ye must not judge the cause by the event; for the eleven tribes of Israel were by God himself commanded to go and fight against Benjamin, yet were they twice overthrown. So Lewis of France, fighting against the Turk, his army was scattered, and himself died of the plague; and, lastly, the Cyprians, defending of Rhodes, were by the Turks overcome." And these he applied to the Powder Treason, and persuaded Littleton not to judge it ungodly or unlawful by the event*.

And here I end with matters precedent and concurrent; and now proceed to matters consequent.—Observe

* Oldcorne's Declaration, 12th March, 1605-6. State-Paper Office.

here a double consequent of this Powder Treason. First, open rebellion, as hath been shewed, both immediately before, and more at large in the former arraignment; and since that, blasphemy in Garnet, the Superior of the Jesuits; for he having liberty in the Tower to write, and sending a letter (which letter was openly showed in the court before him) to an acquaintance of his in the Gatehouse, there was nothing therein to be seen but ordinary matter, and requests for certain necessaries; but in the margin, which he made very great and spacious, and underneath where there remained clear paper, he wrote cunningly with the juice of an orange, or of a lemon, to publish his innocency, and concerning his usage, and there denieth those things which before he had freely and voluntarily confessed; and said, that for the Spanish treason, he was freed by his Majesty's pardon; and as for the Powder Treason, he hoped for want of proof against him, to avoid that well enough; but concludeth blasphemously, applying the words which were spoken of our blessed Saviour to himself in this damnable treason, and saith, "*Necesse est ut homo moriatur pro populo*," "it is necessary that one man die for the people," which words Caiaphas spake of Christ. Wherein note his prevarication; for before the Lords Commissioners he truly and freely confessed his treasons, being (as himself under his own hand confesseth) overwhelmed, "*tantâ nube testium*;" and yet, "*ad faciendum populum*," in his letters which he wrote abroad, he clearth himself of the Powder Treason. And thus much concerning the two circumstances subsequent, which were rebellion and blasphemy.

I will now speak concerning the persons offending, and the person against whom the offence was committed. For the principal person offending, here at the bar, he is, as you have heard, a man of many names, Garnet, Wally, Darcy, Roberts, Farmer, Philips; and surely I have not commonly known and observed a true man that hath had so many false appellations. He is by country an Englishman, by birth a gentleman, by education a scholar of Winchester, and then of Oxford*; afterwards a corrector of the common law print

* In the report in Harl. MSS., No. 360, the reporter here adds,

with Mr. Tottell the printer, and now is to be corrected by the law. By nature he hath many gifts and endowments ; by art he is learned, a good linguist ; and by profession he is a Jesuit, and a Superior, as indeed he is superior to all his predecessors in devilish treason. He is a doctor of Jesuits, that is, to speak more plainly, a doctor of five DD's, namely, of dissimulation, of deposing of princes, of disposing of kingdoms, of daunting and deterring of subjects, and of destruction.

For dissimulation there is a Treatise of Equivocation, seen and allowed by Garnet, and by Blackwell, the arch-priest ; wherein it is maintained, under the pretext of a mixt proposition (that is, compounded of a natural and vocal proposition) that it is lawful and justifiable to express one part of a man's mind, and retain another. By this doctrine people are indeed taught, not only simple lying, but fearful and damnable blasphemy. Garnet and the Jesuits also maintain, that it is lawful to equivocate when examined by a judge, who hath not lawful authority to examine. But if answers are not to be made *in animum interrogantis*, God help us ! for then shall all conversation, all trading, all trials by juries be useless and mischievous. If this had been lawful, neither our martyrs, Cranmer, Ridley, and Latimer ; no, nor the first Popes, needed to have suffered martyrdom for Christianity. Equivocation was indeed in fashion 1,300 years ago, being used by Arius the heretic, who having, in a general council, been condemned for heresy, and then, by the command of Constantine the emperor, sent into exile, was, by the said emperor, upon instant intercession for him, and promise of his future conformity to the Nicene faith, recalled again ; who returning home, and having before craftily set down in writing his heretical belief, and put it into his bosom, when he came into the presence of the emperor, and had the Nicene faith propounded unto him, and was thereupon asked whether he then did indeed, and so constantly would hold that faith, he (clapping his hand upon his bosom where his paper lay) answered " for I never (said Mr. Attorney) knew any priest of Cambridge arraigned." Dr. Abbott, who, as Master of Baliol College, might well know the truth, says that Garnet never went to Oxford.

and avowed that he did, and so would constantly profess and hold that faith (laying his hand upon his bosom where the paper of his heresy lay), meaning fraudulently (by way of equivocation) that faith of his own, which he had written and carried in his bosom.

For these Jesuits, they indeed make no vow of speaking truth, and yet even this equivocating and lying is a kind of unchastity, against which they vow and promise. For as it hath been said of old, "*Cor linguæ fœderat naturæ sanctio, veluti in quodam certo conubio: ergo cum dissonent cor et locutio, sermo concipitur in adulterio.*" That is, The law and sanction of Nature hath, as it were, married the heart and tongue, by joining and knitting of them together in a certain kind of marriage; and therefore, when there is discord between them two, the speech that proceeds from them, is said to be conceived in adultery, and he that breeds such bastard children offends against chastity. But Mr. Garnet here is a votary; for he hath vowed chastity, poverty, and obedience, and hath broken his vow in all: witness Mrs. Vaux for his chastity, his store of gold for poverty, and his damnable and hideous treason for obedience.

But note the heavy and woful fruit of equivocation, as shown in Francis Tresham, a worthy scholar of Garnet's; for he being near his natural death in the Tower, had, of charity, his wife permitted, for his comfort, to come unto him; who, understanding that her husband had before confessed something concerning Garnet's knowledge of the Spanish treason, drew him, a very little before he died, to protest and take it upon his salvation that he had not seen the said Garnet for sixteen years before; and thereupon prayed that his former confession to the contrary might in no wise take place; and that this paper of his retractation, which he had weakly and dyingly subscribed, might after his death be delivered to the Earl of Salisbury; whereas Master Garnet himself hath clearly confessed the Spanish treason, and now acknowledgeth the same at the bar; and he and Mrs. Vaux and others directly confess and say, that Garnet and Tresham had, within two years' space, been very

often together, and also many times before. But "*quodlibet vita finis ita.*"

So much for dissimulation:—For their doctrine of deposing of princes and disposing of kingdoms, Simanca and Philopater are plain:—that if a prince be a Protestant then is he a heretic: "*et propter hæresin non solum Rex sed filii sui deprivantur;*" not only the King is to be excommunicated and deposed, but also his children are to be deprived of all their right of succession, and the King himself, though he return *in gremium ecclesiæ*, shall be restored, *quoad fidem sed non quoad regnum*. Nay, there is in Tresham's book, '*De Officio Principis*' an easier and more expedite way than all these to fetch off the crown from off the head of any king christened whatsoever, which is this,—That "*Princeps indulgendo hæreticis, amittit regnum:*" if any prince shall but tolerate or favour heretics he loseth his kingdom.

Now, as concerning their daunting and deterring of subjects, which is a part of the Jesuits' profession; it were good that they would know and remember how that the most noble and famous Kings of England never were afraid of Popes' bulls; no, not in the very midnight of Popery: as Edward the Confessor, Henry I., Edward I., Richard II., Henry IV., Henry V., &c. And in the time of Henry VII., and in all their times, the Pope's legate never passed Calais, but staid there and came not to England until he had taken a solemn oath to do nothing to the detriment of the crown or state.

For the persons offended, they were these:—1. The King, of whom I have spoken often, but never enough; a King of high and most noble ancient descent, as hath been briefly declared, and in himself full of all imperial virtues, religion, justice, clemency, learning, wisdom, memory, affability, and the rest. 2. The Queen, and she in respect of her happy fruitfulness, is a great blessing, insomuch that of her, in that respect, may be said, she is "*Ortu magna, viro major, sed maxima prole;*" great in birth, greater in marriage, but to all posterity greatest in the blessed fruit of her womb, as having brought forth the greatest prince that ever England had.

3. The noble prince, of whom we may say, with the poet, "*Quæ te tam læta tulere secula? qui tanti talem genitrix parentes?*" Never prince, true heir apparent to the imperial crown, had such a father, nor ever king had such a son. 4. Then the whole royal issue, the council, the nobility, the clergy, nay, our religion itself, and especially this city of London, that is famous for her riches, more famous for her people, having above five hundred thousand souls within her and her liberties, most famous for her fidelity, and more than most famous of all the cities in the world for her true religion and service of God. Hold up thy head, noble city, and advance thyself, for that never was thy brow blotted with the least taint or touch, or suspicion of disloyalty! Thou mayest truly say with the prophet David, "I will take no wicked thing in hand; I hate the sin of unfaithfulness; there shall no such cleave unto me." Well did the fidelity of this city appear (whereof I was an eye-witness), after the heavy and doleful rumours of the other day*, so soon as it was certainly known that King James was in safety. "*Unâ voce conclamaverunt omnes, salva Civitas, salva patria, salva religio, Jacobus rex noster salvus!*" Therefore for thy fidelity thou art honoured with the title of "The King's chamber," as an inward place of his greatest safety; and for thy comfort, and joy, and reward, this day hath Britain's great King honoured thee with the proceeding upon this great and honourable commission.

The observations are many, and only in a word to be touched: 1. That in the Spanish treason before mentioned, and this Powder Treason, there was the same order, cause, and end. The order was, first, to deal by secret practice and treason, and then, when they gotten sufficient strength, to act by force and invasion. The cause, which they pretend, was the Romish Catholic religion. The end was not like the priest's poor treason, to take the person of the King, but to blow up the King

* This alludes to the strange and unaccountable rumour of the King's assassination about the end of March, a few days before this trial, which produced great consternation in the metropolis.— See Howe's Chronicle, and Winwood's Memorials, vol. ii. p. 204.

and all, yea even "*occidere regnum,*" to overthrow and kill not only the King, but the whole kingdom. 2. It is to be noted that even the enemy hath acknowledged that our state is so settled and established as neither strength nor stratagem can prevail, unless there be a party made in England; and therefore I hope we shall never hear of more bulls to come from Rome to England, because they shall never have a party strong enough to encounter with so many lions. 3. Be it noted that all their canons, decrees, and new found doctrines, tend to one of these two ends, either worldly pride or wicked policy; for the amplitude and enlargement of the Pope's authority, and for the safety of the Jesuits, priests, &c. 4. The Jesuits and their adherents tax the King for injustice, and spread abroad false rumours; as that the King should have broken promise with them concerning toleration. But this their report is most base and false; for if the King had promised, so inviolate is his princely word that he would have performed; but rather than he would suffer a mixture of God's service by a toleration of their religion he would lose his crown, his life, and all. Lastly, observe the wonderful providence of God in the admirable discovery of this treason; for, being long since plotted, the providence of God did continually from time to time divert and put off the executing thereof by unexpected putting off the times of assembly in Parliament. For the Parliament began the 19th of March in the first year of his Majesty's reign, and continued till the 7th of July following, before which time the conspirators could not be ready; from thence it was prorogued till the 7th of February, against which time they could not make the mine ready, in respect that they could not dig there, for that the commissioners of the union sat near the place, and the wall was thick, and therefore they could not be provided before the 7th of February; and on the 7th of February the Parliament was prorogued until the 3d of October. After this they found another course, and altered the place from the mine to the cellar. O blessed change of so wicked a work! O, but these fatal engineers are not yet discovered, and yet all things are prepared. Oh, prorogue it once more! and accordingly God put it into his Majesty's heart (having then not the least sus-

pcion of any such matter) to prorogue the Parliament; and further to open and enlighten his understanding, out of a mystical and dark letter, like an angel of God, to point to the cellar, and command that to be searched; so that it was discovered thus miraculously but even a few hours before the design should have been executed.

The conclusion therefore shall be this: "*Qui cum Jesuitis, non ibitis cum Jesuitis.*" for, "they encourage themselves in mischief, and commune among themselves secretly, how they may lay snares, and say that no man shall see them. But God shall suddenly shoot at them with a swift arrow, that they shall be wounded; insomuch that whoso seeth it shall say, this hath God done; for they shall perceive that it is his work."

Then followed the proofs of the several successive treasons mentioned by Mr. Attorney, and the evidence of the precedent treasons of the Jesuits in Queen Elizabeth's time was first read, beginning with Cullen's treason in 1592*.

The Examination † of William Polwheelee, taken 22d February, 1593, before Thomas Egerton, Esq., her Majesty's Attorney-General, and Edward Coke, Esq., her Majesty's Solicitor-General:—

' William Polwheelee saith, that when he first told
' Father Sherwood of the motion that was come into
' his mind to come into England to kill the Queen, the
' said Father Sherwood, amongst other speeches, which
' he then used unto him, said, "You are a fool, that did
' not undertake it sooner, when you were moved unto
' it, for then you might have had the honour of it: but
' now Patrick Cullen is gone for the same service, and
' more are every day to go.

* All these examinations and extracts are particularly referred to in Sir Edward Coke's Analysis of the Evidence on this trial; and they are mentioned by their dates and names, and are also imperfectly abstracted in the report of the trial contained in the Harleian Collection, No. 360. In all cases, where they were extant, we have taken the evidence from the originals at the State-Paper Office. The letters and marks of Sir Edward Coke on the papers correspond exactly with the Analysis and the above report of the trial.

† From the original in the State-Paper Office.

‘ He saith he hath often heard Sir William Stanley and Jaques talking together, touching the Queen’s Majesty, and using many evil speeches of her, and hath heard Sir William Stanley say to Jaques, “If mistress Elizabeth were dead (meaning the Queen) we should have good sport.” And thereupon Jaques said, “Before she be dead we are to have little good, but to live here in slavery. But if she were despatched away on the sudden, they would all be in an uproar in England, and then we should have the spoil of them.” And he saith that they make a certain account, that if they can by any means procure the death of her Majesty upon the sudden, then all the forces which the King of Spain hath in the Low Countries, as well in garrison as others, will, with all the speed they can, repair into England, and hope to have all at their own pleasure. But he hath heard Jaques say, “that if she be not taken away upon the sudden, then there will be such a settled state in England, that there is no hope for them; and that then all the devils in hell will not be able to prevail against England.’

‘ He saith also that he hath often heard Jaques say, that “he esteemeth not the killing of Antonio Perez, for he hath done already all the hurt he can; nor the killing of the Lord Treasurer, for he is old, and if he were taken away, some others as ill, or worse than he would come in his place; nor the killing of any other, saving of the Queen only;” and hath also heard the said Jaques say, “that a man should hazard himself as much by enterprising the killing of another person as by attempting the killing of the Queen herself.” And saith that Jaques and Father Holt will not deal with any, nor regard him for attempting the killing of any other than of the Queen alone.’

The Confession* of John Annias, taken the 9th February, 1593, before Edward Coke, Esq., her Majesty’s Solicitor-General:—

‘ He confesseth that Oliver Eustace told him at Brussels, about four months past, that Patrick Cullen, being then at Brussels, was despatched for to come to

* This and the following examinations, relating to precedent Treasons, are copied from the originals at the State-Paper Office.

England, to attempt upon the Queen's person, and that the show of killing Antonio Perez was but a shadow.

'He further saith that Eustace told him that Cullen went to kill the highest Antonio of all in England, which this examine understood to be the Queen's Majesty.'

The Examination of Patrick Cullen, taken 6th February, 1593, before Thomas Egerton, Esq., her Majesty's Attorney-General, Edward Coke, Esq., her Majesty's Solicitor-General, Sir Thomas Wilkes, Knt., and Richard Young, Esq. :—

'He remembereth that the next day after his last conference with Jaques, and that he had undertaken the enterprise, he was brought by Jaques to Father Holt, to whom Jaques delivered what this examine had promised; and Holt said unto him, "You may lawfully enterprise any thing to do your King's service;" and advised him, this examine, to prepare himself to God, and so immediately at this time did shrieve and absolve him.'

Confession of Patrick Cullen, taken the 16th day of February, 1593-4, before Sir Thomas Wilkes, Knt., Sir Thomas Egerton, Knt., her Majesty's Attorney-General, Sir Edward Coke, Knt., her Majesty's Solicitor-General, and Richard Young, Esq. :—

'He saith that when Jaques dealt with him, this examine, for the killing of Antonio Perez, he used this exception against the fact, that it was murder, and not lawful for him to undertake. Then Jaques replied unto him, that it was no murder, and that he should therein be resolved by a Jesuit, to whom he would bring this examine; saying further, upon his own salvation, that it was no murder either to kill Antonio Perez, or the greatest whatsoever that was an enemy to the King of Spain.

'After this speech with Jaques, this examine was brought by him to Father Holt, to be resolved upon that point; the said Jaques having, as it appeared to this examine, acquainted Father Holt with the matter before hand. And coming to Father Holt, the said Holt said to this examine, "I am a churchman, and wish that Jaques had not acquainted me with the en-

terprise ; but I see no reason but that you may do lawfully that which Jaques would have you do.'

Examination of Patrick Cullen, on the same day, before the same persons :—

'He saith that about October last, he spake with Jaques at Brussels, at which time Jaques used to him the speeches following: "Patrick, you have served the King of Spain here a good time; you are able to do him service, and must serve him, for it lieth in you to do it." This examine asked of Jaques what the service was? Jaques deferred the matter till the next morning, and then appointed this examine to come to him. This examine came to Jaques according to his appointment, at which time Jaques signifieth to him that he must undertake to kill Antonio Perez with a pistol, being here in England. This examine undertook the matter, and gave his oath, at the instance of Jaques, to perform the same.

'Jaques hereupon gave this examine £30 in gold for his voyage, and took him to Father Holt, who shrieved and absolved him.'

Next followed the evidence of the treasons of Williams and Yorke, in 1594.

Examination and voluntary confession of Edmond Yorke, taken the 20th of August, 1594, before Sir Michael Blount, Knt., Sir Edward Coke, Knt., her Majesty's Attorney-General, Francis Bacon, and William Waad, Esqs., and afterwards acknowledged before the Earl of Essex and Lord Cobham :—

'He being resolved to submit himself to her Majesty's mercy, and to reveal the truth of those practices he hath been acquainted withal and wrought unto, doth declare that Father Holt did send for him in a morning very early, and did persuade him to come over hither upon her Majesty's pardon, to live in the court, as one fled from them; and that he should have the money due to his uncle for his maintenance in the court of England, a decree being already made and assurance passed for 40,000 crowns, if he should perform the service offered. And he doth further say that Father Holt did swear unto him, and did kiss the sacrament, that the money should be paid assuredly so soon as ever the

' service was done. The matter was, that there should
 ' be two sent from them to kill her Majesty, whereof one
 ' is Tipping, and the other is ensign to Jaques, called
 ' Ensign Garret, who should be sent hither secretly for
 ' that purpose, at such time as this examine should
 ' think fittest to be in London; and so to come to exe-
 ' cute the same. Or if this examine had opportunity,
 ' he himself should have executed the same, or wrought
 ' some other to it to take his part. But if it had been
 ' done by others, he should have been present to rescue
 ' them for the season. And of this matter there was
 ' thrice conference between Holt, Sir William Stanley,
 ' Throckmorton, Charles Pagett, D. Worthington, and
 ' D. Gifford; and Williams was present. At which con-
 ' ference there was divers devices how to kill her Ma-
 ' jesty. Some spake of a little cross-bow of steel, that
 ' should carry a little arrow level a great way; and if the
 ' same did with a small arrow draw blood, being poi-
 ' soned, she should not escape it. And this examine
 ' was persuaded to have a little dagger, and so to kill
 ' her as she walked in the garden. But it was thought
 ' better to execute it with a rapier poisoned in the point,
 ' which is least suspected, and that Williams did under-
 ' take. And he should have come over about the end of
 ' April for that purpose, and received forty crowns of D.
 ' Gifford for that end. And Williams was sworn to
 ' Father Holt to do it, and if his heart should fail, this
 ' examine took his oath also to Father Holt to execute
 ' it. And he doth further confess, that both Williams
 ' and this examine took the sacrament to do it, and
 ' were absolved by Father Holt.

Examination of Richard Williams, taken the 27th
 of August, 1594, before Sir Michael Blount, Knt., Ed-
 ward Drewe, Esq., one of her Majesty's Serjeants-at-law,
 Edward Coke, Esq., her Majesty's Attorney-General,
 Francis Bacon, and William Waad, Esqrs. :—

' He being resolved now to declare the truth and
 ' reveal those practices he was wrought to undertake,
 ' doth confess that Father Holt and Sir William Stanley
 ' did send this examine to kill her Majesty, and they
 ' undertook he should have great reward. And there-

‘ upon he did promise to perform it, and received the
 ‘ sacrament to execute it in the Jesuit’s College of Father
 ‘ Holt at the same time that Yorke did receive it. And
 ‘ he further saith it was left to his discretion to do it in
 ‘ such sort as he thought most convenient.’

Then was read, as to Squire’s treason, mentioned by
 Mr. Attorney, a Declaration of Edward Squire, taken
 at the Tower, the 19th day of October, 1598, before
 John Peyton, Esq., Edward Coke, Esq., Her Majesty’s
 Attorney-General, Thomas Fleming, Esq., Her Majesty’s
 Solicitor-General, Francis Bacon, and W. G. Waad,
 Esqrs:—

‘ He confesseth that at that time that Walpole per-
 ‘ suaded this examinee to attempt and be employed
 ‘ against Her Majesty’s person, this examinee did take
 ‘ upon him to have some skill in perfuming. And there-
 ‘ upon Walpole asked, “Whether he could compound
 ‘ poisons?” And this examinee said, “No;” but said
 ‘ he had skill in perfumes; and said that he had read in
 ‘ Tartalia, of a ball, the smoke whereof would make a
 ‘ man in a trance, and some to die. To whom Walpole
 ‘ said, “that should be done with difficulty; but to apply
 ‘ poison to a certain place is the convenientest way.”
 ‘ Whereunto this examinee said, “I have no skill
 ‘ therein.” Then said Walpole, “You shall have direc-
 ‘ tions in that behalf.” To whom this examinee said,
 ‘ “Is there no composition of poison to carry with me?”
 ‘ “No,” said Walpole, “it were dangerous; for being
 ‘ taken at sea (the earl being then ready to go to sea) on
 ‘ a sudden when a man should have neither leisure nor
 ‘ memory to cast it away. For,” said he, “joy or fear
 ‘ may suppress a man’s memory.” Then asked this
 ‘ examinee what directions he would give him? And
 ‘ then Walpole said, “he would advise himself against
 ‘ another time.”’

Extract from an Examination of Edward Squire
 taken the 23rd of October, 1598, before Edward Coke,
 Esq., Her Majesty’s Attorney-General:—

He confesseth that he received the sacrament, at
 ‘ Walpole the Jesuit’s hands, as well to put the practica
 ‘ in execution, as to keep it secret.’

Then followed the Evidences of the Spanish Treason, and Thomas Winter's negotiations into Spain.

Examination * of Guido Fawkes, taken the 25th November, 1605 :—

' He saith that Thomas Winter told him that the year before Queen Elizabeth died he was sent by Catesby and others into Spain, with a certain Jesuit named Tesmond, but commonly called Greenwell, in order to propose to the Spanish King to send an army to Milford Haven, at which time the Catholics were endeavouring to collect two thousand or fifteen hundred horse to join with the Spanish army ; that the King promised to place one hundred thousand crowns at their disposal. Whereupon that Winter and Greenwell returned into England but whether together or separately he saith he doth not know.'

Examination † of Guido Fawkes, taken the 25th of November, 1605-6 :—

' He saith that Christopher Wright had been in Spain about two months before this examine arrived there, who was likewise employed by Baldwin, Owen, and Sir William Stanley from Brussels into Spain. This examine's employment was to give advertisement to the King of Spain how the King of England was like to proceed rigorously with the Catholics ; and withal that it would please him to bring an army into England to Milford Haven where they would assist him.'

Examination ‡ of Guido Fawkes, taken the last of November, 1605-6 :—

' Father Baldwin told this examine that about two thousand horses would be provided by the Catholics of England to join with the Spanish forces ; horses being of all other things those necessaries that the Spanish force should stand in greatest need, and willed this examine to intimate so much to Father Cresswell, which this examine did. And saith that Father Baldwin did write to Father Cresswell, which letter this examine delivered. He saith that one Anthony

* Abbott's Antilogia, cap. x. p. 161.

† Tanner MSS., lxxv. p. 196.

‡ Part of this examination is taken from the Tanner MSS., and the rest from Abbott's Antilogia, p. 168.

‘ Chambers, dwelling at Brussels, and chaplain to the Archduke, told him that there was a catalogue made of the names of such Catholics as would assist in the business. He saith, moreover, that Cresswell told him in Spain that Christopher Wright was come upon the same business; and also that Cresswell wished to inform the King of Spain of the matter which was done, and that he was sent to the Duke of Lerma to signify his message to him. That when he left Spain he had letters of commendation from Father Cresswell to the Marquis Spinola; and that after he had remained two months at Brussels, he returned into England with Thomas Winter.’

Extract from an Examination of Francis Tresham, taken before the Lords Commissioners, on the 29th day of November, 1605, wherein—

‘ He confesseth that he was acquainted and privy to the sending over and employment of Thomas Winter into Spain; and being demanded what other persons were privy or acquainted with Thomas Winter’s employment into Spain besides * Catesby and Greenwell, whom Winter amongst others had upon his examination before named, he confesseth that Father Garnet, otherwise Wally the Jesuit, and Father Greenway, were by them drawn to be acquainted with Winter’s employment into Spain, to give the more credit unto it.’

Confession † of Henry Garnet, taken the 20th of February, 1605-6, before the Lord Chief Justice and Sir Edward Coke, Knt., his Majesty’s Attorney-General:—

‘ He saith that in the late Queen’s time he was moved by Catesby, Winter, and Tresham, that, forasmuch as there were discontents, and there were many of the best sort in England so, they would advise with him of some redress. He told them that the bulls of excommunication of Pope Pius Quintus had been dispensed with till time served to put them in execution.’

Extract from a Confession † of Garnet taken the 26th of February, 1605-6:—

* The reader will remember that in the original of this examination Lord Mounteagle’s name stands imperfectly but carefully erased.

† Harleian MSS., No. 360.

‘ He confesseth that he had conference with Catesby, Winter, and Tresham, in the late Queen’s time, at a house called White Webbs.’

Part of an Examination* of Henry Garnet, taken the 14th day of March, 1605-6, before the Lord Chief Justice, Sir Edward Coke, Knt., his Majesty’s Attorney-General, the Lieutenant of the Tower, and John Corbett, Esq. :—

‘ He saith that after Thomas Winter returned from his negotiation in Spain he came, and as he thinketh, Catesby with him, to White Webbs, and told this examinee that the King of Spain desired to be advertised when the Queen died.’

Part of an Interlocution between Garnet and Hall in the Tower, on the 23d of February, 1605-6, attested by Edward Forset and John Locherson :—

Garnet said to Hall, “ For my sending into Spain before the Queen’s death I need not deny it ; but I care not for these things : he knoweth I have my pardon for that time, and therefore he will not urge them to do me hurt.

“ And, in truth, I am well persuaded that I shall wind myself out of this matter, and for any former business I care not.”

Part of another interlocution between Garnet and Hall, on the 25th of February, 1605-6, and attested by the same :—

‘ Garnet said, “ They mentioned the letters sent into Spain ; but I answered that those letters were of no other matter but to have pensions.” ’

Then followed the evidence against Garnet for the Powder Treason.

Part of a Declaration † of Henry Garnet, entirely in his own writing, signed by him, and dated 13th March :—

‘ I have remembered some things, which, because they were long before my knowledge of the powder acts, I had forgotten.

* State-Paper Office.

† State-Paper Office. The unfair mode in which this Examination was used is particularly noticed in the Remarks upon this trial, *post*, p. 355.

‘ About Michaelmas, after the King came in, Mr. Catesby told me that there would be some stirring, seeing the King kept not promise. Long after this, about Midsummer was twelvemonth, either Mr. Catesby alone, or he and Thomas Winter together, insinuated that they had somewhat in hand, and that they would sure prevail.

‘ Some time after came Mr. Greenwell to me, and told me as much.’

Another part of the above-mentioned Examination of Garnet, dated the 14th of March, 1605-6 :—

‘ He confesseth that about Midsummer was twelvemonth, Catesby and Winter, or Mr. Catesby alone, came to him at White Webbs, and told this examinee that there was a plot in hand for the Catholic cause against the King and the state, which would work good effect. From the which when this examinee (as he saith) dissuaded him, Catesby said that he was sure it was lawful ; and used this argument, that it being lawful by force of the said breves of the Pope to have kept the King out, it was as lawful now to put him out.’

Part of an Examination of Garnet, taken the 12th of March, 1605-6, before the Lord Chief Justice, Mr. Attorney-General, Mr. Lieutenant of the Tower, and John Corbett, Esq. :—

‘ He saith that a little before St. James’s-tide last, at Fremlands, in Essex, near Sir Edward Sulyard’s, Tesmond revealed to him the purpose of Catesby and others of that confederacy of blowing up the Parliament-House with powder.’

Part of an Examination * of Henry Garnet, taken the 13th of March, 1605-6 :—

‘ He confesseth that when Tesmond (Greenway) mentioned to him the project of blowing up the Parliament-House, then Tesmond said that Catesby said the Lords that should be left alive should choose a protector.’

Part of a Confession of Henry Garnet, taken the same day before the Lords Commissioners :—

‘ Upon occasion of thinking of the (*great*) as your

* Harleian MSS., No. 360.

' Lordships knoweth, and withal calling to mind that
 ' which hath been commanded unto me, if perchance I
 ' had intelligence of any greater matters concerning the
 ' good of the state, I remembered two substantial points;
 ' the one used by Mr. Catesby, as an invincible argument
 ' in his opinion for his purposes; the other also, in your
 ' Lordships' opinion, not unfit to be opened to his Ma-
 ' jesty.

' The first was of two breves set to my hands in Queen
 ' Elizabeth's time, a year, as I think, before her death,
 ' together with the copy of a letter to the Nuncio in
 ' Flanders. One of the breves was to all lay Catholics,
 ' the other to all the clergy. The effect of both was
 ' that none should consent to any successor (being never
 ' so near in blood) except he were such as would not
 ' only give toleration to Catholics, but also would, with
 ' all his might, set forward the Catholic religion; and
 ' according to the custom of other Catholic princes sub-
 ' mit himself to the see apostolical. The effect of the
 ' letter to the Nuncio was that he should be very vigilant,
 ' and when he heard the Queen to be dead, he should,
 ' in the Pope's name, intimate this commandment to all
 ' the Catholics in England.

' I had no commission to divulge any such thing, and
 ' so I kept them very close, and when I saw the Queen
 ' dead I burned them; yet had Mr. Catesby and, I think,
 ' Thomas Winter seen them. And so they made use of
 ' them, for Mr. Catesby said, "Why were we com-
 ' manded before to keep out one that was not a Catholic,
 ' and now may not exclude him?"

Part of a Declaration* of Garnet, all in his own hand-
 writing, and signed by him, dated 26th March, 1606.

The date of those two breves concerning succession
 I find now to be more antient than before I thought.
 ' The effect of the letter to the Nuncio was to commend
 ' unto him the vigilant care accustomed over other coun-
 ' tries adjoining to England; also *ut quandocunque con-*
 ' *tingeret miseram istam feminam ex hâc vitâ excedere,*
 ' he would not spare all labours to certify the Pope, and
 ' to divulge the breves in England by his authority, and
 ' in the Pope's name, whose assistance should not want.

* State-Paper Office.

‘ To Catholics of the laity he commended the remembrance
 ‘ of a “*vita pietatis et religionis*,” and commended the
 ‘ longanimity of all sorts, hoping that God of his goodness
 ‘ would once give them tranquillity after their long dis-
 ‘ tresses; and especially he commended unto all priests,
 ‘ after so many glorious labours for the holy Catholic
 ‘ church, all fraternal unity and concord; that the whole
 ‘ church might with joy see the fruit of so many years’
 ‘ endeavours.

‘ The main point of the two breves was for to exclude
 ‘ all successors from the crown, *quantumcunque propin-*
 ‘ *quitate sanguinis niterentur, nisi ejusmodi essent qui*
 ‘ *non modo fidem catholicam tolerarent, sed eam etiam*
 ‘ *omni ope ac studio promoverent, ac more majorum id*
 ‘ *se jurejurando præstituros susciperent.*’

Part of an Examination * of Henry Garnet, taken the
 8th day of March, 1605-6 :—

‘ He confesseth that in the beginning of Trinity Term
 ‘ last Catesby asked this examine whether it was law-
 ‘ ful to kill a person where innocents were in danger?
 ‘ To which this examine answered, that in just warfare
 ‘ the battering of walls and houses was justifiable though
 ‘ innocents were within, if the number of nocents were
 ‘ greater.’

Then was read part of an Examination of Ambrose
 Rookwood, taken 2d December, 1605, before the Lord
 Chief Justice, Mr. Attorney-General, and Mr. Lieute-
 nant :—

‘ He saith that this examine having for long time
 ‘ been inwardly acquainted with Mr. Catesby, whom this
 ‘ examine loved and respected as his own life, Catesby,
 ‘ at this examine’s lodging, at the sign of the Duck, in
 ‘ St. Clement’s parish, about ten weeks past, told this
 ‘ examine, for the ancient love that he had borne unto
 ‘ him, that he would impart some matter of importance
 ‘ unto him. But first, in the presence of Catesby, Tho-
 ‘ mas Winter, and John Wright, Thomas Winter minis-
 ‘ tered an oath of secrecy unto him upon a primer. And
 ‘ then Catesby, in the presence and hearing of Winter
 ‘ and Wright, imparted unto him the plot of blowing up
 ‘ of the King and the Parliament-House with powder,

* Harleian MSS., No. 360.

And this examine, being somewhat amazed at it, asked how such as were Catholics, and divers other friends, should be preserved? To whom Catesby answered that "there should be a trick put upon them." And this examine said, "that it was a matter of conscience to take away so much blood;" to whom Catesby answered, "that he was resolved that in conscience it might be done," and wished this examine so to satisfy himself. And saith that this examine, being satisfied in conscience that he might do it, therefore he did confess it neither to any ghostly father nor to any other. And saith that Catesby told him that he had not put the case in particular to any, but had put the like case, and that he was resolved by good authority that it might be done. And this examine moving other scruples, Catesby told him that he had also asked advice whether if it could not be done without the destruction of some innocents, the act might be done; and he was resolved that rather than the action should quail they must also suffer as the rest did, or words to the like effect.

Then was read part of an Examination* of Robert Keyes, taken the 30th of November, 1605, before the Lord Chief Justice, Mr. Attorney-General and Mr. Lieutenant:—

' He saith that the reason that he revealed not the project to his ghostly father was, for that Catesby told him that he warranted him that it might safely and with a good conscience be done, for that the King and the nobles were heretics and excommunicated persons, and therefore the action lawful, or the like effect.'

Extract from Garnet's Examination, 8th March, 1605-6 :—

' He saith that in September, after the King came in, he met Catesby and Thomas Percy; and Catesby made a grievous complaint that the King did hold, and was like to run, the same course which the Queen before had held. Whereupon Percy said, "That there was no way but to kill the King, which he, the said Percy, would undertake to do." To which Catesby answered, "No, Tom, thou shalt not adventure thyself to so small purpose. If thou wilt be a traitor, there is a plot

* State-Paper Office.

‘ to greater advantage, and such a one as can never be
‘ discovered.’

Extract from Garnet’s Examination *, 12th March, 1605-6 :—

‘ And saith that the words that Percy used to Catesby
‘ concerning the killing of the King must needs be before
‘ any resolution of putting the plot of the Powder Treason
‘ in execution, viz. about Michaelmas, anno primo Regis
‘ Jac.’

Another extract from the above Confession † of Garnet, taken the 8th of March, 1605-6 :—

‘ He confesseth that until that instant, excepting such
‘ as Catesby had made acquainted withal, all men would
‘ take it upon their consciences that Garnet was innocent,
‘ and that the first motion came by Percy, who
‘ coming from Scotland, affirmed the King’s promises to
‘ suffer toleration of religion. He further saith that to
‘ his knowledge there were not above five persons privy
‘ to this treason.’

Another extract from the above Examination of Garnet, taken the 12th of March, 1605-6 :—

‘ He verily thinketh that Tesmond, alias Greenwell,
‘ the Jesuit, was acquainted with the Powder Treason
‘ by Catesby and Thomas Winter, or one of them, for
‘ that he was most conversant with them, and lived
‘ about London. And saith that this examine is
‘ assured that Catesby told Greenwell of the Powder
‘ Treason, but who besides him he knoweth not; and
‘ Greenwell told this examine that Catesby alone,
‘ without the consent of two others, could not have ac-
‘ quainted him with it.’

Another part of the above interlocution between Garnet and Hall, on the 25th of February, 1605-6 :—

‘ Garnet said he was charged with some advice he
‘ should give in Queen Elizabeth’s time of the blowing
‘ up of the Parliament-House with gunpowder. Indeed
‘ (said he to Hall) I told him at that time it was lawful,
‘ but wished them to do their best to save as many as
‘ they could that were innocents.’

* State-Paper Office.

† Harleian MSS. No. 360. This examination must have been very imperfectly understood by the reporter.

Extract from an Examination* of Garnet, on the 6th of March, 1605-6.

‘ He confesseth that Fawkes was with him about Easter last in a chamber that this examine had in Thames Street. And now this examine remembereth that he wrote by Fawkes himself to Father Baldwin at that time, in his commendation.’

Extract from a Confession† of Guido Fawkes, taken the 20th of January, 1605-6 :—

‘ He confesseth that on his going over to the Low Countries, at Easter last, Catesby charged him with two things; the one, that Owen and Baldwin should deal with the Marquis Spinola that he might be Lieutenant to Sir Charles Percy, who should be Colonel there; the other, to procure Baldwin that he should be a means to the Marquis that he might have a regiment, by colour whereof he might provide horses in England against the powder blast should have been given.’

Extract from Garnet’s Examination‡ of the 12th March, 1605-6 :—

‘ He confesseth that about half a year since this examine did write to Father Baldwin in commendation of Mr. Catesby, and that he would be a mean to help Mr. Catesby to a charge of horse under the Archduke.’

Part of an Examination of Thomas Winter, taken the 17th of January, 1605-6, before the Lords Commissioners :—

‘ He confesseth that he went to Rome to the jubilee, about six weeks before Christmas next before the rising of the Earl of Essex; and that, after the project of the powder performed, Hugh Owen should have given instructions to Sir Edward Baynham, to have signified the event to the Pope, and to have negotiated with the Pope on the behalf of the Catholics.’

Examination of Guido Fawkes, taken the 9th day of January, 1605-6, before the Lord Chief Justice, Mr. Attorney-General, and Mr. Lieutenant :—

‘ He confesseth that Mr. Catesby told this examine that Sir Edmund Baynham was directed by him to go to the Pope, and to acquaint him with the hard estate of the

* State-Paper Office. † Harl. MSS., No. 360.

‡ State-Paper Office.

‘ Catholics of England, to the end Sir Edmund Baynham might be there in readiness, and the Pope to be by him acquainted of the successes to be prepared for the relief of the Catholics, after the project of the powder had taken effect; and that then such further employment must have been made for Sir Edmund Baynham to the Pope as should have been thought fit.’

Part of an Examination of Thomas Bates, taken the 13th day of January, 1605-6, before the Lords Commissioners:—

‘ He saith that he asked Thomas Winter why they did not keep Sir Edmund Baynham here; and that Thomas Winter answered, that he was not a man fit for this business, but that they had otherwise employed him by sending him to Rome; and that he stayed there only for Father Walley’s letters.’

Another extract from the above Examination* of Garnet, on the 8th of March, 1605-6:—

‘ He saith that he told Catesby that nothing should be done before the Pope were made acquainted, and thereupon propounded Sir Edmund Baynham for a fit messenger, who was then going into Flanders; who afterwards coming to him, he desired him to go to the Pope’s Nuncio, and tell him how the case stood with discontented Catholics here in England; and he further saith that he ceased not daily to commend the matter to God. He further said that he had written to the Pope for a prohibition, because he feared some particular stratagem; though he thought all general insurrections or tumults should be easily qualified, by means that should be used at home.’

Part of the above Examination of Henry Garnet, taken the 12th of March, 1605-6:—

‘ He confesseth that at his second conference with Catesby at Fremlands, Catesby did faithfully promise him that he would not proceed in the matter before he had acquainted the Pope generally with the state of England, and taken his advice and direction therein, and this examine named Sir Edmund Baynham to be used by him to the Pope in that behalf, which accordingly Mr. Catesby did. And Catesby told this ex-

* Harl. MSS., No. 360.

‘ aminate that the matter was such as he thought the
‘ Pope would not hinder it.’

Part of an Interlocution* between Garnet and Hall in the Tower, on the 25th February, 1605-6 :—

‘ Saith Garnet, “ There is one special thing of which I
‘ doubted they would have taken an exact account of me ;
‘ to wit, of the causes of my coming to Coughton, which
‘ indeed would have bred a great suspicion of the
‘ matter.”’

Extract from an Examination of Edward Oldcorne at the Tower, dated 6th March, 1605-6 :—

‘ He confesseth that Garnet said to this examinee,
‘ upon one of their interlocutions in the Tower, that “ he
‘ hoped my Lord Chief Justice and Mr. Attorney-Gener-
‘ al had no particular knowledge of the greatest matter
‘ that might touch him, which, he said, was concerning
‘ his coming to Coughton at that time with my Lady
‘ Digby.”’

Extract from an Examination of Thomas Bates, taken the 13th day of January, 1605-6, before the Lords Commissioners :—

‘ Thomas Bates saith, that being with his master, Ro-
‘ bert Catesby, at Mr. Grant’s, at Norbrook, he sent him
‘ from thence with a letter, from Sir Everard Digby, by
‘ consent of Catesby, Robert Winter, and Grant, to
‘ Coughton (the house of Sir Thomas Throckmorton,
‘ but hired by Sir Everard Digby), to Father Farmer, a
‘ priest, otherwise called Father Walley, to crave his ad-
‘ vice what course they were to take in their proceedings
‘ (which letter the said Bates heard when it was read by
‘ Walley), and that he, the said Bates, carried the letter.
‘ And that while Walley was reading the letter, Green-
‘ way, the Jesuit, came in, to whom Walley read the
‘ letter. Upon Greenway’s demand what was the mat-
‘ ter ; and that he told him they would have blown up
‘ the Parliament-House, and that they were descried,
‘ and we all (speaking of themselves) utterly undone.
‘ Whereupon Greenway said that there was no tarrying
‘ for himself and Walley. Then this examinee desired
‘ Greenway to come unto his master, Robert Catesby,
‘ if ever he would do any thing for him ; whereunto he

* Tanner MSS., vol. lxxv. p. 292.

‘ answered that he would not forbear to go unto him, though it were to suffer a thousand deaths, but that it would overthrow the state of the whole society of the Jesuits’ order. Nevertheless, after he had left them, the said Walley and Greenway, half an hour together, while he walked in the hall, Greenway came out to him and said he would go with him as far as Huddington, Robert Winter’s house; and there, after he had talked with Robert Catesby privately, about half an hour (having saluted the rest in the court), he rode thence, as he thinketh, to Mr. Abington’s house in Worcestershire.

Another part of the same Interlocution between Garnet and Hall:—

‘ Garnet said he was charged about certain prayers to be said for the success of this business, at the beginning of the Parliament. To which he answered, “that if they would show him any such prayers, he would confess if they were done by him,” which was refused to be done. They then pressed me, “whether if it could be proved that I made such prayers, I would yield myself privy to all the rest?” Indeed, upon All-hallows day we used those prayers, and then I did repeat to them two Latin verses: which, both prayers and verses, Garnet did now rehearse to Hall, confessing that he made them both.’

Part of another Interlocution* between Garnet and Hall, in the Tower, on the 23d of February:—

‘ Perhaps they will press me with certain prayers that I made against the time of the Parliament, for the good success of that business; which indeed is true. But I may answer that well, for I will say, it is true that I did doubt that, at this next Parliament, there would be more severe laws made against the Catholics, and therefore I made those prayers. And that will answer it well enough.’

Part of an Examination of Edward Oldcorne, at the Tower, on the 6th of March, 1605-6, before the Lord Chief Justice, Mr. Attorney, Mr. Lieutenant, and Mr. Corbett:—

‘ Being demanded what speeches were used between him and Garnet in the Tower, concerning a prayer for

* State-Paper Office.

‘ the good success of the Catholic cause against the beginning of Parliament, used at Coughton or elsewhere, he answereth that Mr. Garnet told him he had never penned any prayer to that end. “ But perhaps I have spoken,” said Garnet, “ that heretofore I have wished Catholics to pray against that time, because we had reason to suppose that there would be made some severe laws against the Catholics.” ’

Extract from an Examination* of William Handy, servant of Sir Everard Digby, Knight, taken the 27th day of November, 1605, before Sir Edward Philipps, Knight, and Sir John Coke, Knight, two of the King’s Serjeants at Law, Sir Julius Cæsar, Knight, Sir Francis Bacon, Knight, and other his Majesty’s Commissioners :—

‘ He saith that the priest named Darcy, or Father Wally, two days before the meeting at Dunchurch, in the house of Mr. Throgmorton, said, in his hearing, “ It were good that the Catholics, at the beginning of the Parliament should pray for some good success towards the Catholic cause.” ’

Then was read another extract from the above Examination of Edward Oldcorne, dated the 6th of March, 1805-6 :—

‘ He saith that Garnet, on All hallows day last, in the afternoon, in private manner incited those that were present to pray at that time to be rid of heresy, and said a verse or two of a hymn for that day, *Gentem, &c.* ’

Another extract from the same Examination of Edward Oldcorne :—

‘ He confesseth that upon Wednesday, being the 8th of November, about two of the clock in the afternoon, there came Tesmond (Greenway) from Huddington, from Mr. Robert Winter’s, to Hendlip, and told Mr. Abington and him, “ that he brought them the worst news that ever they heard,” and said, “ that they were all undone.” And they demanding the cause, he said that there were certain gentlemen that meant to have blown up the Parliament-House, and that their plot was discovered a day or two before; and now they were gathered together some forty horse at Mr. Winter’s

* State-Paper Office.

‘ house, naming Catesby, Percy, Digby, and others; and
 ‘ told them, “their throats would be cut unless they pre-
 ‘ sently went to join with them.” And Mr. Abington
 ‘ said, “Alas! I am sorry.” And this examine and
 ‘ he answered him that they would never join with him
 ‘ in that matter, and charged all his house to that pur-
 ‘ pose not to go with them. He confesseth that upon
 ‘ the former speeches made by Mr. Abington and this
 ‘ examine to Tesmond, alias Greenway the Jesuit, Tes-
 ‘ mond said in some heat, “Thus we may see a difference
 ‘ between a *flemmatike* (phlegmatic) and a choleric per-
 ‘ son!” and said that he would go to others, and specially
 ‘ into Lancashire, for the same purpose as he came to
 ‘ Hendlip to Mr. Abington.’

Extract from an Examination of Edward Oldcorne,
 dated the 5th of March, 1605-6:—

‘ He saith that Garnet told him that the Pope had
 ‘ granted an indulgence to all those that had the *graines*,
 ‘ and said these verses:—

“Gentem auferte perfidam
 Credentium de finibus;
 Ut Christo laudes debitas
 Persolvamus alacriter.”

And a psalm beginning *Deus, venerunt gentes, &c.*

Extract from an Examination* of Thomas Bates, ser-
 vant to Robert Catesby, taken before the Lords Com-
 missioners, on the 4th of December, 1605:—

‘ He confesseth that about this time twelvemonth,
 ‘ his master asked this said examine whether he could
 ‘ procure him a lodging near the Parliament-House.
 ‘ Whereupon he went to seek some such lodging, and
 ‘ dealt with a baker that had a room joining to the Par-
 ‘ liament-House; but the baker answered that he could
 ‘ not spare it. After that (some fortnight or thereabouts
 ‘ as he thinketh), his master imagining, as it seemed,
 ‘ that this examine suspected somewhat of that which
 ‘ he the said Catesby went about, called him to him at
 ‘ Puddle Wharf, in the house of one Powell (where

* Both this and the following examinations are from the State-
 Paper Office.

• Catesby had taken a lodging), and in the presence of
 • Thomas Winter, asked him what he thought what
 • business they went about. And this examine an-
 • swered, that he thought they went about some danger-
 • ous business. Whereupon they asked him again,
 • what he thought the business might be? And he an-
 • swered, that he thought they intended some dangerous
 • matter about the Parliament-House, because he had
 • been set to get a lodging near that house. Thereupon
 • they made this examine take an oath to be secret in the
 • business; which being taken by him, they told him that
 • it was true they meant to do somewhat about the Parlia-
 • ment-House, namely, to lay powder under it to blow it
 • up. Then they told him that he was to receive the
 • sacrament for the more assurance; and he therefore
 • went to confession to a priest named Greenway; and
 • in his confession told Greenway that he was to conceal
 • a very dangerous piece of work that his master Catesby
 • and Thomas Winter had imparted unto him; and that
 • he, being fearful of it, asked the counsel of Greenway,
 • telling the said Greenway (which he was not desirous to
 • hear), their particular intent and purpose of blowing
 • up the Parliament-House. And Greenway, the priest,
 • thereto said that he would take no notice thereof; but
 • that he, the said examine, should be secret in that
 • which his master had imparted unto him, because it
 • was for a good cause, and that he willed this examine
 • to tell no other priest of it; saying, moreover, that it
 • was not dangerous unto him, nor any offence to conceal
 • it. And thereupon the said priest, Greenway, gave
 • this examine absolution, and he received the sacra-
 • ment in company of his master, Robert Catesby, and
 • Thomas Winter.

Then was stated by Mr. Attorney-General, that Gar-
 net, being examined before the Lords Commissioners
 shortly before that trial, acknowledged that he had dealt
 very reservedly with their Lordships in the business of
 the powder; first, for saving his own credit, his profes-
 sion, and religion; and secondly, because he had great
 reason to persuade himself that no man living (one only
 excepted) could touch him; but that their Lordships had
 inclosed him *tanta nube testium*, that they had good

cause never to give him over until they had gotten such matter as they expected from him.

Then Mr. Garnet, having licence of the court to answer what he could for himself, said, "I shall divide all which hath been objected, to the best of my remembrance; into four parts, namely, 1st, Doctrine; 2dly, Recusants; 3dly, Jesuits in general; 4thly, myself in particular."

"1st. In doctrine I shall make answer to what hath been objected of equivocation and killing of kings."

"First, concerning equivocation.—Mr. Attorney-General hath said many things against our church with much bitterness, for that we hold that, under certain circumstances, equivocation is lawful; and he urgeth, that this doctrine breaks the bonds of civil society, and robs martyrs of their crowns. Whereas, properly understood, this doctrine produces no such circumstances. We do not hold that an arbitrary power of using equivocation is lawful; in matters of faith particularly, we hold it to be a sin to equivocate. Our church indeed condemns all lying, but especially if it be in cause of religion and faith, that being the most pernicious lie of all others, and by St. Augustine condemned in the Priscillianists; but St. Augustine distinguisheth lying into eight degrees, of which eight degrees the highest is to lie in matters of faith, and the lowest is to lie to procure the good of a friend without hurting of any. But equivocation relateth not to any of these degrees and kinds of lying, and is not to maintain lying, but to defend the use of certain propositions: and I hold that if a man be brought before a lawful judge to be examined he must answer all things truly which that judge hath cognizance to inquire of; but if he be examined before one who hath no authority to interrogate, or be asked concerning something which belongeth not to the cognizance of him who asketh, as what a man thinketh, &c., he is not bound to answer, and may in such cases equivocate. To prove this my opinion, I may cite the practice of our blessed Saviour, who said that 'he knew not the day nor the hour in which the son of man should come,' and yet no man, who hath faith in Christ, could even make a doubt that in his Godhead our Saviour well knew when the day of judgment should be, though he did not know it so as to tell it to men; as St. Augus-

fine saith, he knew it *secundum formam Dei*, but *secundum formam servi* he did not know it.

“ Respecting the Pope’s authority over kings and princes, I say it can be no sin to maintain that which is held for doctrine by so many Christian nations, with such general consent, and tolerated and endured by so many Christian princes without fear or suspicion that it should prompt their subjects to treason against the state. It is not my doctrine, but the general doctrine of the church. And as for that doctrine of Jesuits, that kings excommunicated may be deposed, it is meant only to such kings as, having been once Catholics, have forsaken and fallen away from the see of Rome. I make a great distinction between the condition of such kings and that of his Majesty, who hath never fallen from the see of Rome, for he never belonged to it, but hath continually been of the same religion in which he was brought up. And I do protest that I believe that Catholics in general do bear loyal hearts to his Majesty, and never intended any insurrection against him, excepting indeed those lately executed, who have left no fellows behind them. I am well assured that Catholics in general did never like of this action of powder, for it was prejudicial to them all; and it was a particular crime of mine, that when I knew of the action I did not disclose it. I know indeed, that all quiet Catholics had ever a better opinion of the King than of the late Queen.

“ As to the 2d point, respecting recusants in general, I only desire that they may answer only for their own sins, and have no heavier imputation laid upon them than they have deserved; and especially I desire that no crimes or offences of mine be imputed to the prejudice of religion.

“ But, concerning Catholics not going to church, it hath been urged by Mr. Attorney, that the ground of their recusancy was the excommunication of the late Queen by the bull of Pius Quintus. I deny that that excommunication was then, or is now, the cause of our recusancy; if it were the cause, then might Catholics now go to church, for his Majesty is not excommunicated. But I say that recusancy was always held to be a very necessary thing, and that it was even held unlawful for the children of God to communicate with

heretics *in divinis*, though they might agree in all other things. So the Arians had their churches and the Catholics theirs, though they had the same priesthood, the same liturgy, and the same ceremonies. Even Calvin and other learned Protestants have written books to show that it is not lawful for Protestants to come to the churches of Papists, because (as they say) of the superstition and idolatry used therein; and this they hold, not only of our mass, wherein perhaps they may say there is idolatry, but of our even-song, which is the same with theirs. But it is not true that there was no recusancy before the bull of Pius V.; there were recusants since the beginning of Queen Elizabeth's time; and Lord Thomas Fitz-herbert wrote a book before that time to prove that it was not lawful for any Catholic to be present at Protestant churches. Besides, it is well known that several Catholic Bishops and Elders were imprisoned at the beginning of the Queen's reign because they refused to go to church. I myself know divers who, before that bull, refused to go to church all the time of Queen Elizabeth, though I confess that most Catholics did then go to church. But since this matter was debated, about the end of the Council of Trent, by twelve learned men chosen by the Council, and resolved by them not to be lawful, Catholics have ceased to resort to the Catholic churches.

“ In the 3d place, as to the Jesuits generally. I perceive that many things have been lifted up against them; and I say that if any of them were privy to such horrible treasons as Mr. Attorney hath recited, it was impious and damnable, especially in men of their profession. But as to Holt, Cresswell, and divers others named, I have had their excusations largely written to me from Spain, —most of them under their own hands; wherein they solemnly protest upon their eternal salvation, that they were free from any of these things laid to their charge. And whereas Mr. Attorney hath said that there hath never been any plot, but books have been published to Catholics to stir them up and make them ready for plots and rebellions. I utterly deny any knowledge of any such matters.

“ Now relating to myself in particular. And here I

would remind you, Gentlemen of the Jury, how easy it is to make falsehood appear more probable than truth when we deal only with conjectures, and when the falsehood is dressed up by the talent of an orator. But Christian charity, and even common humanity, require that in a case of life and death, you should be guided not by light and vain conjectures, but by eye-witnesses and proofs; of which neither are produced against me by Mr. Attorney-General. Mr. Attorney hath charged that I was acquainted with the coming of the Spanish Armada, in 1588. I utterly deny it; and I think the Spaniard was then so confident in himself that he never laboured for any help in England. The negotiation into Spain for an army was indeed propounded unto me, and I refused to act in it, being forbidden by my Superior to deal in any such matter. I confess also that I was acquainted with the negotiation for money, which I ever intended for the relief of poor distressed Catholics in England that wanted relief; but when those who were sent got into Spain, they moved for an army, which when they told me, I disliked it, and said it would be much disliked at Rome. So that I am verily persuaded, if they had yielded to me, it had been good; but what their intent and meaning was in desiring an army, I know not, and I was charged not to meddle therein; no, not with the money which was to be sent for pensions, though it was to maintain the title of the King."

The Earl of Salisbury then demanded, "To maintain whose title?"

Garnet answered, "The title of the King of Spain."

Garnet.— I will now clearly relate to you all that I knew and did in this Powder Treason; which, though it may seem strange to such as profess not the Catholic religion, will appear to every Catholic to be the only course which I could have taken. But first I do call God and all the saints to witness, that I always abhorred this wicked attempt, that I ever thought it wholly unlawful, and did all I could to prevent it. Yet I do confess that I did sometime since understand from Mr. Catesby that he had some great thing in hand for the good of Catholics. I much disliked it, and dissuaded him; only I must needs confess I did conceal it after the example of

Christ, who commands us, 'when our brother offends, to reprove him, for if he do amend, we have gained him;' yet I do allow that the laws made against such concealing are very just and necessary, for it is not fit the safety of a prince should depend upon any man's particular conscience.

The Earl of Northampton asked him, why he did not oppose himself against it, and forbid it, as he might have done? For "*qui cum possit non prohibet, jubet.*"

Whereupon Garnet answered, that he might not do it. And for sending of letters, and commending some persons thereby, he confessed he did it often, as they were commended to him, without knowing either their purposes, or some of their persons; for he never knew Kit Wright, for whom he wrote.

Earl of Salisbury. I must now remember you, how little you make for your purpose, when you would seek to colour your dealing with Baynham, by professing to write by him to Rome, to procure a prohibition of that and all other conspiracies; and yet you know that Baynham was sent at such a time that he was only at Florence in October; and do you not think he had need to be well horsed to go from thence to Rome, get a prohibition, and return to England before the 5th of November? If this be likely I leave all the world to judge.

To which Garnet made no great answer, but let it pass; and then went on with his defence of sending letters in commendation of many of those with which he had been formerly charged.

"I confess that I wrote in commendation of Fawkes, thinking that he went to serve as a soldier, not knowing of any other purpose he had in hand, until I heard of other matters. And as for Sir Edmund Baynham—what he, or Mr. Catesby, or the other crew intended, I knew not in particular, as I never inquired, but I always supposed that Baynham went as a soldier. Mr. Catesby only asked me in general, the question of the lawfulness to destroy innocents with nocents; which at first I thought had been an idle question, though afterwards I did verily think he intended something that was not good. Whereupon having shortly after this received letters from Rome, to prohibit all insurrections intended by Catholics, which

might perturb this state, I informed Mr. Catesby thereof, and told him, that if he proceeded against the Pope's will, he could not prevail. But he refused, and said, he would not take notice of the Pope's pleasure by me. I showed him the Father-General's letter, which I had received from Rome. At which time Catesby said he would inform the Pope, and tell me also in particular what attempt he had in hand, if he could get leave to disclose it. And afterwards he came and told me he had leave to disclose it to me, and offered to do so; but I refused to hear him, and at two several times requested him to certify the Pope what he intended to do. And when Sir Edmund Baynham (as he pretended) was to go over into Flanders for a soldier, I thought good to commend him to the Pope's Nuncio, and to other friends of mine, that they should send him to inform the Pope of the distressed estate of the Catholics in England; the rather, that the Pope having a layman there, might be acquainted with all their proceedings; and that Baynham might then learn of the Pope, what course he would advise the Catholics in England to take for their own good: but I wished Baynham in no case to use my name to the Nuncio in that behalf."

Then were two witnesses called for; both of them persons of good estimation, that overheard the interlocutions betwixt Garnet and Hall the Jesuit, viz., Mr. Forset, a man learned, and a justice of peace, and Mr. Locherson. But Mr. Forset being not present, was sent for to appear, and in the mean time Mr. Locherson was called, who delivered upon his oath, that, in an interlocution on the 23d of February last, he heard Garnet say to Hall, "Perhaps they will press me with certain prayers that I made against the time of the Parliament, for the good success of that business—which indeed is true; but I may answer that well, for I will say, it is true that I did doubt that, at this next Parliament, there would be more severe laws made against Catholics, and therefore I made those prayers. And that will answer it well enough." Mr. Locherson also declared that, in an interlocution between Garnet and Hall, on the 25th of February, "Garnet said he was charged with those prayers; 'and indeed,' said he, 'upon Allhallows day we used

those prayers, and then I did repeat to them two Latin verses ;' which both prayers and verses Garnet did recite to Hall, confessing that he made them."

Garnet. As for these two gentlemen that heard the interlocutions, I will not charge them with perjury, because I know them to be honest men ; yet I think they did mistake some things, though in the substantial parts I do confess I cannot deny their relation. And for the main plot, I confess that I was therewithal acquainted by Greenway particularly ; for Greenway came perplexed unto me, to open something which Mr. Catesby, with divers others, intended ; to whom I said, I was contented to hear by him what it was, so as I might not be a-known to Mr. Catesby. or to any other, that I was made privy to it. Whereupon Greenway told me the whole plot, and all the particulars thereof, with which I was very much distempered, and could never sleep quietly afterwards, and often times have prayed to God that it should not take effect.

Earl of Salisbury. You will do well, Mr. Garnet, to speak clearly of your devotion in that point ; for I must put you in remembrance, that you have confessed to the Lords that you said many masses, and offered sacrifice to God that the plot might be overthrown and prevented, unless it were for the good of the Catholic cause ; and in no other fashion was this state beholden to you for your masses and oblations. But I pray God to deliver us from all such prayers. And I would further ask you, why you would not write to your Superior, Aquaviva, as well of this particular Powder-Treason as to procure prohibition for other smaller matters ?

Garnet faintly answered, "he might not disclose it to any, because it was matter of secret confession, and would endanger the lives of divers men ; but that fault might justly be laid upon him, in that he had disclosed none of those things whereof he had general knowledge."

Garnet. My Lords, I commanded Greenwell to dissuade Catesby, which I think he did ; and if Catesby had come to me upon Allhallow day, I think that I could so far have ruled him, as he would have been persuaded to desist.

Earl of Salisbury. Mr. Garnet, you have said that Greenway told you of the Powder Treason, did he not ?

Garnet. Yea, my Lord.

Earl of Salisbury. I ask you, then, did not Catesby tell you of it ?

Garnet. That, my Lord, I may not tell.

Earl of Salisbury. Nay, then, I will say no more, but leave it to the judgment of the hearers. But why did you refuse to hear Catesby tell you all the particulars when he would have told you, if you had been desirous to prevent it.

Garnet. After Greenway had told me what it was which Catesby intended, and I had called to mind what Catesby said to me, at my first breaking with him, in general terms, my soul was so troubled with dislike of that particular, as I was loath to hear any more of it.

Then the Earl of Salisbury desired leave of the Lords Commissioners that, to satisfy the jury and the world, he might use some speech concerning the proceeding of the state in this great cause from the first beginning until that hour, and so began to this effect: "The evidence in this great cause hath been excellently distributed and opened by Mr. Attorney; so as I never heard such a mass of matter better contracted nor made more intelligible to the jury. Therefore of the evidence it is not my part to speak; nor is it my purpose to meddle with Mr. Garnet in divinity, or in the doctrine of equivocation, in which latter he hath played his master-prize; yet because I have been particularly used in this service, with other of the Lords Commissioners, by whom nothing was more desired, next the glory of God, than to demonstrate to the world with what sincerity and moderation his Majesty's justice was carried in all points, I will be bold to say somewhat of the manner of this arraignment, and of the place where it was appointed. For the first, seeing there is nothing to which this state may more attribute the infinite goodness and blessings of God than to the protection of the true religion, which had groaned so long under the bitter persecutions of men of this prisoner's profession, I hold myself greatly honoured to be an assistant amongst so many great Lords at the seat of justice, where God's cause should receive so

much honour, by discrediting, in the person of Garnet, the religion of the Jesuits; and lamentable indeed it is that treason, and especially such a crime as the Powder Treason, should be maintained and sheltered under the cloak of religion! Therefore it was that this great proceeding was adopted; for otherwise who doth not know that the quality of such a man as Henry Garnet might have undergone a more ordinary form of trial, and haply in some other place of less note and observation? For this reason, too, was this place chosen for the proceeding; for the city of London is so dear to the King, and his Majesty so desirous to give it all honour and satisfaction, that when this opportunity was put into his hands, whereby there might be made so visible an anatomy of Popish doctrine and practice from whence these treasons have their source and support, he thought he could not choose a fitter stage than the city of London, which was not only rightly termed 'the chamber of his empire,' but was by his Majesty esteemed as his greatest and safest treasury. The King accounteth no riches comparable to his subjects' hearts, and acknowledgeth that such a circuit did never contain so many faithful subjects as this city of London doth within its walls; a matter well appearing to mine own eyes, amongst others, upon the decease of the late Queen of precious memory, when I myself, attended by most of the peers and privy councillors of this kingdom, and accompanied with no small number of noble and faithful gentlemen, was stayed from entry within the gates of this city, until we had publicly declared with one voice that we came to proclaim King James, with whom, as our Sovereign Lord, we would live and die. With respect to this prisoner at the bar, such hath been the iniquity of false tongues, who have always sought to prove the truth a liar, that I must needs deny certain impudent calumnies which have been uttered. Yourself do best know, Mr. Garnet, that since your apprehension, even till this day, you have been as Christianly, as courteously, and as carefully used as ever man could be, of any quality, or any profession: yea, it may truly be said, that you have been as well attended for health or otherwise as a nursing child. Is it true or no?"

Garnet. It is most true, my Lord; I confess it.

Earl of Salisbury. Well, then, if your strange doctrine of equivocation be observed, and your hardness of heart to deny all things, it is wonderful that we should have any proofs against you; but therein is this interlocution of yours with Hall, overheard by others, to be considered as "*digitus Dei*," by which the Lords had some light and proof of matter against you; for until then you would confess little or nothing, but afterwards you did confess what is contained in your confessions, saying (to use your own words) that you did so because you were confounded, *tantâ nube testium*. These matters must else have been discovered by violence and coercion, a matter ordinary in other kingdoms, though now forborne here. And truly I protest that I do confidently assure myself that you would as easily have confessed yourself to be the author of all the action as the concealer, but that his Majesty and my Lords were well contented to draw all from you without racking or any such bitter torments.

All your defence, Mr. Garnet, is but simple negation; your negatives compared with your affirmatives are merely contradictory; and your privity and activity laid together approve you manifestly guilty. I pray you, what encouraged Catesby to proceed, but your resolving him in the first proposition? What warranted Fawkes, but Catesby's application of your arguments?

Garnet. But I say that Mr. Catesby was to blame, and had no warrant to make such application.

Earl of Salisbury. I must needs be bold with you to drive you from the trust you have to satisfy the world by these denials, by putting you in mind that you have said that you think it not unlawful to deny the truth—a doctrine which it grieveth me to hear from the mouth of a man of religion. And here I must mention how, after the interlocution betwixt you and Hall, you were called before the Lords and were asked, not what you said, but whether Hall and you had conference together, desiring you not to equivocate; yet you stiffly denied it upon your soul, reiterating it with so many detestable execrations as our hair stood upright and it wounded our hearts to hear you. Afterwards Hall being called, he at first

denied that you had any conference together ; but being examined apart, confessed it ; and after he had confessed it, you also confessed what you had so vehemently denied an hour before ; and cried us mercy, and said you had grievously offended if equivocation did not help you.

Garnet. When one is asked a question before a magistrate he is not bound to answer before some witnesses be produced against him, "*Quia nemo tenetur prodere seipsum.*"

Then Garnet falling into some professions of his well-wishing to his Majesty, and being put in mind of the answer he made concerning the excommunication of Kings, wherein he referred himself to the canon of "*Nos sanctorum,*" he answered, that his Majesty was not yet excommunicated.

Earl of Salisbury. I beseech you, Mr. Garnet, to deal plainly in this matter at this time, whatsoever you have formerly said, and answer truly, whether in case the Pope, *per sententiam orthodoxam*, should excommunicate the King, his subjects are bound to continue their obedience ?

Garnet. I have already often answered to this matter ; and I humbly desire not to be pressed at this time with such questions. But as concerning the two briefs or bulls from the Pope in the Queen's time, I humbly desire his Majesty will be pleased to make a favourable interpretation of them, for I showed them to very few Catholics in England in the Queen's time, and when I understood that the Pope had changed his mind, then I burnt the bulls.

Earl of Salisbury. Belike the Pope changed his mind when the King was so joyfully received and safely possessed of his estate ; and then, Garnet, you burnt the breves, being out of all hope to do any good with them. But you that had before run a desperate course, seeing that no invasion could take effect, came to your Powder Treason, wherein you were a special director, though you sat at your ease in a gentlewoman's house.

Garnet. I was not consenting to the Powder Treason.

Earl of Salisbury. Mr. Garnet, give me but one argument that you were not consenting to it, that can hold

in any indifferent man's ear or sense, besides your bare negative.

Whereat Garnet was mute. "But, said he, for the prayer wherewith I was formerly charged I never meant it of any particular matter, but in general that there might be no hard laws made against Catholics at the Parliament."

Then Mr. Attorney-General spake in answer to Garnet more particularly to this effect:—

1. For equivocation, it is true indeed that they do outwardly to the world condemn lying and perjury because the contrary were too palpable, and would make them odious to all men; but is open and broad lying and forswearing, not secret and close lying and perjury, or swearing a falsehood, which is most abominable, and without defence or example. And if they allow it not generally in others, yet at least in defence of themselves, their confederates and associates in treasonable practices, they will both warrant and defend it, especially when it may serve their turn for such purposes and ends as they look after.

2. Concerning the usurped power of the Pope in deposing of Princes, neither is it the general doctrine of the Church, as he falsely said, neither allowed or tolerated by all princes, who are otherwise of their religion, as may appear out of the French discourse written to the French King against the re-admitting of the Jesuitical faction. And whereas he would pick a thank in seeming to spare and exempt King James our sovereign, it is not possible to avoid their distinction of being excommunicated *de jure* if not *de facto*, howsoever it be true also that the Pope doth *de facto* curse all heretics. For recusants not going to church the example of the Catholics not joining in service and prayer with the Arians, who denied a main article of the Christian creed, doth no ways hold, neither can it apply to us, of whom no such impious blasphemy can be showed or imagined. That Garnet said, he knew some who before the bull came went not to church; it may be true, perhaps, in some one or two perverted and perverse men like himself; but whereas he produced the Council of Trent, as if there the matter had been determined, and thereupon

inferreth that after that all Romish Catholics refused to meet with us at church in time of prayer, it is a gross error: for the last session of that council was in the year of our Lord 1563, which was in the fifth year of Queen Elizabeth; whereas I showed and am able to justify and prove that their Romish English Catholics came to our service in our churches until the nineteenth year of her Majesty, which was many years after that council was ended.

Concerning Garnet himself:—1st. For that answer of his that he knew of the Powder Treason by confession only, I will take away all his subterfuges by showing the opinions of the best divines concerning confession. First, then, Greenway's was no sacramental confession, though it were made, as Garnet alleges, *sub sigillo*, for that the confitent was not penitent; for Greenway approved of the Powder Treason and advised Bates to go on, which shows that he was not penitent; and therefore by the opinion of divines Garnet might reveal his confession. Nay, himself hath clearly delivered under his hand that the Powder Treason was told him, not as a fault, but by way of consultation and advice. 2dly. It was a future thing to be done, and not already then executed. 3dly. Greenwell confessed no crime of himself that he should do it, but of Fawkes, Percy, Catesby, Winter, and others; and therefore Garnet ought to have discovered them, for that they were no confitents, and all divines hold that if the confitent speak any thing of a third person the confessor may safely disclose it. 4thly. He might and ought to have discovered the mischief, for preservation of the state, though he had concealed the persons. 5thly. Catesby told it unto him *extra confessionem*, out of confession; saying, they might as well turn him out as have kept him out. Lastly, by the common law of this land, howsoever it were by the law of Popery, which is flatly against the common law, this being *crimen læsæ Majestatis*, any person, whether confessor or not, was bound to discover a treason against the King so soon as it came to his knowledge.

Now, for that Garnet denied that he was a principal author and procurer of this treason, and saith that he had only received knowledge thereof the contrary is

clear and manifest, both out of his own confessions, by himself acknowledged, and apparently proved, in that he resolved Catesby concerning the lawfulness and merit thereof, and that he prayed for the good success of the Powder Treason, which is more than either consultation or consent. Besides, he must remember him of the old versicle, "*Qui non prohibet quod prohibere potest consentire videtur.*" Garnet might have commanded Greenwell, that told him of the Powder Treason, to have desisted, but did he do so? Greenwell went still on with the treason, and, when it was disclosed, went into the country to move rebellion, which doubtless he would never have done if Garnet had forbidden him; therefore I might say with the orator Tully, "*Cum adsunt testimonia rerum, quid opus est verbis?*" Moreover, Mr. Attorney added, how Garnet wrote first for Thomas Winter—then for Kit Wright—after that for Guy Fawkes—then for Sir Edward Baynham, and afterwards for Catesby, for a regiment of horse; and that Garnet was for the title of the Infanta of Spain, and by his briefs intended to keep out the King, except he should tolerate and swear to maintain the Romish religion.

Then Mr. Attorney again spake of the interlocution between Garnet and Hall, and said, that in all their speeches they never named God, nor confessed their innocency. But as soon as they spake together, Hall spake first; and in one of the interlocutions Garnet said he suspected one, whose name they that were set to overhear them could not hear, to have disclosed something against them; but it might be otherwise, for he said he was much subject to that frailty of suspicion. He said he received a note from Rookwood that Greenwell was gone over seas; and another that Gerrard was gone to Father Parsons, and that Mistress Anne was in town, meaning Mistress Anne Vaux; and many other things were by them uttered in that conference.

By this time came in Mr. Forset, who, with Mr. Locherson, being deposed and examined concerning the interlocution between Garnet and Hall, affirmed that the whole matter contained in the papers signed by them were true; saying further that both of them took notes of that which they heard from Garnet and Hall as near

as possibly they could, and set down nothing in their papers but those things wherein both their notes and perfect memories agreed and assented; and that many things that were very material and of great moment were left out, because both their notes and memories did not perfectly agree therein.

And now one of the letters, which were written with sack, was showed to the Court, by which it appeared that Hall and Garnet had interlocution together. Mr. Attorney here inferred that the necessary end of justice was *ut poena ad paucos, metus ad omnes perveniat*; and urged the examination of Garnet, wherein he confessed that when Tesmond, alias Greenway, made relation to him of the great blow by the Powder Treason, who should have the protection, Greenway said, the Lords that should be left alive should choose a protector.

After this the Earl of Northampton made a long and laboured address* to the prisoner, at the conclusion of which Garnet said, "that he had done more than he could excuse, and that he had dealt plainly with them; but he was bound to keep the secrets of confessions and to disclose nothing that he had heard in sacramental confession."

Earl of Nottingham. If one confessed this day to you that to-morrow morning he meant to kill the King with a dagger, must you conceal it?

Garnet. I must in such case conceal it.

Earl of Salisbury. I would fain, Mr. Garnet, ask you some questions of the nature of confession.

In the report of those proceedings in Howell's State Trials, a very long speech of the Earl of Northampton's is here inserted, which was published by him as a separate pamphlet soon after Garnet's trial. It appears from an account given in Moor's Reports, p. 821, of some proceedings in the Star-Chamber in 1612, that certain individuals were grievously fined in that Court for having circulated a story that Lord Northampton had written to Cardinal Bellarmine "praying him to make no answer to his book about Garnet's treason, because he had only written it *ad placandum regem, et faciendum populum*." It is certainly a singular fact, that Bellarmine, in his controversy with James I., does not allude to this speech of the Earl of Northampton.

Garnet. Your Lordship may ask me such questions as you will, and I will answer you as well as I can.

Earl of Salisbury. Why then, must there not be confession and contrition before absolution?

Garnet. By all means.

Earl of Salisbury. Was Greenway absolved by you or no?

Garnet. He was.

Earl of Salisbury. Before you absolved him, what had Greenway done to show that he was sorry for it? Did he promise to desist?

Garnet. Greenway said he would do his best.

Earl of Salisbury. That could not be so; for as soon as Catesby and Percy were in arms, Greenway came to them from Garnet, and so went from them to Hall, at Mr. Abington's house, inviting them most earnestly to come and assist those gentlemen in that action. Hereby it appears that either Greenway told you out of confession, and then there needs no secrecy; or if it were in confession, he professed no penitency, and therefore you could not absolve him. Besides this one circumstance must still be remembered and cannot be cleared: when Greenway told you what Catesby meant in particular, you must then have called to mind what Catesby had spoken to you in the general before; and after that, if you had not been so desirous to have the plot take effect, you might have disclosed it out of your general knowledge from Catesby; but when Catesby offered to deliver you the particulars himself, as he had done to Greenway, you refused to hear him, lest your tongue should have betrayed your heart.

Garnet. I did what I could to dissuade it, and went into Warwickshire with a purpose to dissuade Mr. Catesby when he should have come down. And for Mr. Greenway's going to Father Hall to persuade him to join, he did very ill in so doing.

Earl of Salisbury. Your first answer is most absurd, seeing you knew Catesby would not come down till the 6th of November, which was the day after the blow should have been given, and you went into the country ten days before. And for the second, I am only glad that the world may now see that Jesuits are condemned

by Jesuits, and treason and traitors laid naked by traitors themselves; yea, Jesuits by that Jesuit that governs all Jesuits here, and without whom no Jesuit in England can do any thing.

Garnet. I pray God and the King that other Catholics may not fare the worse for my sake.

Earl of Salisbury. Mr. Garnet, is it not a lamentable thing that if the Pope, or Claudius Aquaviva, or yourself, command poor Catholics any thing, that they must obey you, though it be to endanger both body and soul? And if you maintain such doctrine among you, how can the King be safe? Is it not time, therefore, the King and the state should look to you that spend your time thus in the kingdom?

Garnet. My lord, I would to God I had never known of the Powder Treason.

Lord Chief Justice. Garnet, you are Superior of the Jesuits; and if you forbid, must not the rest obey? Was not Greenwell with you half an hour at Sir Everard Digby's house when you heard of the discovery of your treason? And did you not there confer and debate the matter together? Did you not send him to Hall, to Mr. Abington's house, to stir him up to go to the rebels and encourage them? Yet you seek to colour all this; but that is but a mere shift in you. And notwithstanding all this, you said, No man living but one did know that you were privy to it; then belike some that are dead did know it. Catesby was never from you (as the gentlewoman that kept your house with you confessed); and by many apparent proofs, and evident presumptions, you were in every particular of this action, and directed and commanded the actors; nay, I think verily you were the chief that moved it.

Garnet. No, my lord, I did not.

Then it was exceedingly well urged by my Lord Chief Justice how he writ his letters for Winter, Wright, Fawkes, Baynham, and Catesby, principal actors in this matchless treason. Besides his Lordship told him of his keeping the two bulls to prejudice the King, and to do other mischief in the realm; which, when he saw the King peaceably to come in, then being out of hope to do any good he burnt them.

Then Mr. Attorney caused to be read the Confession of Hall, *alias* Oldcorne, the Jesuit, taken the 12th of March, 1605-6, before the Lord Chief Justice, Mr. Attorney-General, Mr. Lieutenant of the Tower, and John Corbett, Esq., and signed by his own hand, which confession Mr. Attorney said was *omni exceptione majus*, and showed the Jesuits approving of this treason.

Mr. Humphry Littleton telling me*, that after Mr. Catesby saw himself and others in his company burnt with powder, and the rest of the company ready to fly from him, that then he began to think that he had offended God in this action, seeing so bad effects follow of the same. I answered him that an act is not to be condemned or justified upon the good or bad event that followeth it, but upon the end or object, or the means that is used for effecting the same; and brought him an example out of the book of Judges, where the eleven tribes of Israel were commanded by God to make war upon the tribe of Benjamin; and yet the tribe of Benjamin did, both in the first and second battle, overthrow the other two tribes. The like, said I, we read of Lewis, King of France, who went to fight against the Turks, and to recover the Holy Land; but there he lost the whole of his army, and himself died there of the plague. The like we may say when the Cyprians defended Rhodes against the Turks; where the Turks prevailed, and the Cyprians were overthrown. And yet no doubt the Cyprians' cause was good, and the Turks' was bad. And this I applied to this fact of Mr. Catesby's.

After this, Mr. Attorney opened, how Francis Tresham, a delinquent Romanist, even *in articulo mortis* (a fearful thing), took it upon his salvation, that he had not seen Garnet in sixteen years before, when Garnet himself had confessed he had seen him often within that time; and likewise, that Garnet knew not of the Spanish Invasion, which Garnet himself confessed also, and which two things Tresham himself had formerly confessed to the Lords; yet for a recantation of these two

* State-Paper Office.

things upon his death-bed, he commanded Vavasor, his man, whom I think (said Mr. Attorney) deeply guilty in this treason, to write a letter to the Earl of Salisbury; which letter was sent first to my Lady Cope, who, like a wise gentlewoman, shewed it first to Sir Walter Cope, who informed my Lord thereof. And to shew this his desperate recantation, Mr. Tresham's letter was offered to be read.

But before the reading thereof, my Lord of Salisbury said, because there was matter incident to him in that which should be read, he thought fit to say something. To which purpose he said his desire was, truly to lay open what cause there was for any faith to be given to these men's protestations, when they, to colour their own impieties, and to slander the King's justice, would go about to excuse all Jesuits, how foul soever, out of an opinion that it is meritorious so to do, at such time as they had no hope of themselves. Such is it to be doubted, that Sir Everard Digby's protestations might be at the bar, who sought to clear all Jesuits of those practices which they themselves have now confessed *ex ore proprio*. That such was also Tresham's labour, who was visited with sickness, and his wife was in charity suffered to come to him. "Being so admitted to him, her principal drift was (set on, no doubt, by others) to get something from him for excuse of you, Garnet, and to save you, if ever you were taken; and by these means she got from him, upon his death-bed, the said recantation. He soon after died, and after that she came to speak to me; but I spared either to speak with her or hear her. Then she wrote a letter to a gentleman of the King's Privy Chamber, a kinsman of mine, that used very much my company, and enclosed therein the letter to me, which being shewed me, I perceived to be to this purpose, that albeit Mr. Tresham in his life-time accused you, Garnet, before the Lords, yet now, upon his salvation, he under his hand did excuse you, being at the very point of death, saying that he had not seen you in sixteen years, which matter, I assure you, before you were taken, shook me very much. But, thanks be to God, since the coming of the King I have known so much of your doc-

trine and practices, that hereafter they shall never much trouble me."

Then was read the paper* delivered by Francis Tresham to his wife a few hours before his death, as follows:—

' I being sent for before your Lordships in the Tower, you told me that it was confessed by Mr. Winter, that he went upon some employment, in the Queen's time, into Spain; and that your Lordships did nominate to me out of his confession all the parties' names that were acquainted therewith, *namely four besides himself*, and yet said that there were some left for me to name. I desired your Lordship that I might not answer thereunto, because it was a matter that was done in the Queen's time, and since I had my pardon. Your Lordships would not accept of this answer, *but said that I should be made to speak thereunto, and I might thank myself if I be worse used than I had been since my coming to the house.* I told your Lordship (*to avoid ill usage*), that I thought Mr. Walley (Garnet) was procured to write his letter for the furthering of this journey. Now, my Lord, having bethought myself of this business, being so long ago, I have here set down, under my hand (being too weak to use my own hand in writing this), which I do deliver here, upon my salvation, to be true, as near as I can call to mind; desiring that my former confession may be called in, and that this may stand for truth. It was more than I knew that Mr. Walley was used herein; and to give your Lordship a proof besides my oath, I had not seen him in sixteen years before, nor never had message nor letter from him. And to this purpose I desired Mr. Lieutenant to let me see my confession, who told me I should not, unless I would enlarge it, which he did perceive I had no meaning to do.

FRANCIS TRESAME.'

* This paper is taken from the original at the State-Paper Office. The several passages in italics are in the original marked for omission in reading it on the trial; the first of them was not to be read because Lord Mounteagle was one of the *four* named as engaged in the Spanish treason; and the second was omitted in order that it might not appear to the public that any threats of force had been used to Tresham.

‘ Whitsuntide last, *where, talking with Mr. Garnet, he gave the said Tresham good counsel, insomuch as when he came from Mr. Garnet, Mr. Tresham said openly, “He is all full of good hopes.”* And at the same time Catesby came thither likewise, who, with Francis Tresham, dined in the company of Garnet and this examine.

‘ She further doth remember that the said Francis Tresham came once to a house she had at Wandsworth, and that was the first year the King came in; and his coming was in an afternoon, and tarried and passed two or three hours, and had some conference with Mr. Garnet.

‘ The last summer he was likewise at another house they had, where he had some [conference] with Mr. Garnet, *where likewise he exhorted him to all patience.*
(Signed) ‘ ANNE VAUX.’

‘ I do acknowledge these meetings and repair of Mr. Tresham to be true, as is above contained.
(Signed) ‘ HENRY GARNET*.’

‘ She further calleth to remembrance that about the end of the last summer, when Mr. Garnet and she went into Warwickshire, they came to Mr. Francis Tresham in Northamptonshire, in their journey, where Mr. Francis Tresham was at that time, his father being deceased but a little before, by reason whereof the Lady Tresham kept her chamber, and she and Mr. Garnet supped with Mr. Francis Tresham, who kept the house at that time, and went away the next day.
(Signed) ‘ ANNE VAUX.’

‘ I also do well remember this above now, which I did not think of before.
(Signed) ‘ HENRY GARNET†.’

Earl of Salisbury. This gentlewoman, Mr. Garnet, hath harboured you these twelve years last past, and seems to speak for you in her confessions; I think she

* The whole of this acknowledgment by Garnet is in his own hand-writing.

† This postscript is also written by Garnet.

would sacrifice herself for you to do you good, and you likewise for her.

Then the Earl of Salisbury shewed and said "it was a lamentable thing; for, within three hours after Tresham had signed the above paper, he died;" and asked Garnet "what interpretation he made of this false testamental protestation?"

Garnet. It may be, my Lord, he meant to equivocate.

Here my Lord Salisbury concluded, "that what was said of Mr. Tresham and others was not done against charity to the dead, but upon inevitable necessity, to avoid all their slanderous reports and practices. For he said that there was even now current through the town a report of a retraction under Bates's hand, of his accusation of Greenway; which are strange and grievous practices to think upon. But this day shall witness to the world that all is false, and yourself condemned, not by any but yourself, and your own confessions and actions. Alas! Mr. Garnet, why should we be troubled all this day with you, were it not to make the cause appear as it deserveth? Wherein God send you may be such an example, as you may be the last actor in this kind!"

Hereupon my Lord Admiral said to Garnet, that he had done more good this day in that pulpit which he stood in (for it was made like unto a pulpit wherein he stood), than he had done all the days of his life-time in any other pulpit.

Earl of Salisbury. Mr. Garnet, if you have not yet done, I would have you to understand that the King hath commanded, that whatsoever made for you, or against you, all should be read; and so it is: and we will take of you what you will. Therefore, good Mr. Garnet, whatever you have to say, say on, in God's name, and you shall be heard.

Then Garnet desired the jury that they would allow of and believe those things he had desired and affirmed; and not to give credit unto those things whereof there was no direct proof against him, nor to condemn him by any circumstances and presumptions.

Earl of Salisbury. Mr. Garnet, is this all you have

to say? if it be not, take your time—no man shall interrupt you.

Garnet. Yea, my Lord.

Mr. Attorney then humbly desired all the Lords Commissioners, that if he had forgotten to speak of any thing material, their Lordships would be pleased to put him in mind of it; who was assured by my Lord of Salisbury that he had done very well, painfully and learnedly.

Then Mr. Attorney desired the jury might go together; who, upon his motion, going forth of the Court, within less than a quarter of an hour returned, and found Henry Garnet guilty.

Whereupon Mr. Sergeant Croke prayed judgment.

Then Mr. Waterhouse, the Clerk of the Crown, demanding what he could say for himself why judgment should not be given against him? Garnet made answer that "he could say nothing, but referred himself to the mercy of the King and God Almighty."

Then the Lord Chief Justice, making a pithy preamble of all the apparent proofs and presumptions of his guiltiness, gave judgment that he should be hanged, drawn, and quartered.

My Lord of Salisbury again demanded if Garnet would say any thing else?

Garnet. No, my Lord; but I humbly desire your Lordships all to commend my life to the King's Majesty; nevertheless. At his pleasure I shall be ready, either to die, or to live and do him service; and so the Court rose.

The following extracts from two letters, mentioning the trial, may be interesting; as shewing the sentiments of contemporaries respecting it, though they add nothing to the facts contained in the above Report. The first is taken from a letter* of Sir Alan Percy, a brother of the Earl of Northumberland, to Sir Dudley Carleton, dated the 1st of April, 1606.

'Garnet hath passed his censure, but hath little

* This and the following extracts are taken from the original letters in the State-Paper Office.

‘ satisfied the expectations that were looked for at his
 ‘ arraignment. I was not there myself; but was as-
 ‘ sured there was nothing that was not known before
 ‘ by the confessions of those that were executed.’

The second extract is taken from a letter of John Chamberlaine to Sir Dudley Carleton, dated the 2d of April, 1606, which is rather fuller than the account contained in the letter from Chamberlaine to Winwood, published in Winwood’s Memorials, vol. ii. p. 204.

**** ‘ I was not at Garnet’s arraignment, but
 ‘ have heard it related by many that were there;—it
 ‘ lasted from eight o’clock in the morning till seven
 ‘ at night. The King was there privately, and held
 ‘ it out all the day, besides many courtiers and Ladies,
 ‘ as the Lady Arabella, the Lady of Suffolk, Wal-
 ‘ singham, Sir James Hayes’ lady, *cum multis aliis*.
 ‘ The sum of all was, that Garnet, coming into Eng-
 ‘ land in 86, hath had his finger in every treason
 ‘ since that time; and not long before the Queen’s
 ‘ death had two breves sent him from the Pope di-
 ‘ rected to the nobility and clergy of England, to pro-
 ‘ vide that “ *quandocunque contigerit miseram istam*
 ‘ *feminam ex hâc vitâ decedere*, they should (*neg-*
 ‘ *lectâ propinquitate sanguinis*, and every other re-
 ‘ spect) make choice of such a one as either were
 ‘ Catholic, or would tolerate Catholic religion; which
 ‘ breves he kept by him till he saw the King fully
 ‘ settled, and then burned them. The declaration of
 ‘ the foresaid treasons was a long work; and when all
 ‘ was done, he was not to be touched for them, having
 ‘ gotten the King’s general pardon the first year of
 ‘ his reign. But touching this hellish conspiracy,
 ‘ he was proved to be privy to it two several ways at
 ‘ least, both by Catesby himself, and by Tesmond, or
 ‘ Greenway. To which he answered, that from
 ‘ Catesby he had it only in general terms, and from

‘ Tesmond, *sub sigillo confessionis*, and that he did
‘ not only dissuade, but pray against it; which,
‘ though it were no sufficient answer, yet it was fur-
‘ ther replied, that Catesby having imparted to him
‘ the particulars of the same plot to be executed in
‘ Queen Elizabeth’s time, it is not likely he would
‘ conceal them from him now. And having continual
‘ intercourse with the chief actors, and sending letters
‘ both by Winter into Spain, by Fawkes and Wright
‘ to the Archduke, and by Sir Edmund Baynham
‘ (captain of the Damned Crew) to the Pope, it could
‘ not be but that he was acquainted with all their
‘ secrets. Besides, the very next day after the Plot
‘ should have been performed, he was at the rendez-
‘ vous in Warwickshire. But to shew what credit
‘ was to be given to his or any of their denials or
‘ speeches, the Earl of Salisbury delivered two no-
‘ table instances. After he had first declared “that
‘ by reason of their impudent slanders and reports,
‘ we are kept in such awe, that we dare not proceed
‘ against them by such means as they do in other
‘ countries to get out the truth, but are fain to flatter
‘ and pamper them; for if any of them die in prison
‘ of sickness, they say he is starved or tortured to
‘ death; if any man kill himself, he is made away by
‘ us; so that we are fain to get out matters by fair
‘ means as we can. So that man, by cunning of his
‘ keeper, was brought into a fool’s paradise, and had
‘ divers conferences with Hall which were overheard
‘ by spials set of purpose; whereof being examined,
‘ he utterly denied any such interlocution; but being
‘ urged further, and some light given him that they
‘ understood somewhat, he denied it still with greater
‘ asseveration and protestation upon his soul. And
‘ being now asked, in all this audience, how he could
‘ do it, answered boldly, that so long as he thought
‘ they had no proof of it, he was not bound to accuse

' himself; but when he saw that they had proofs, he
 ' stood not long in it. The other example was of
 ' Francis Tresham, that in his confessions having
 ' accused this man, drawing now to his end, his wife
 ' was permitted to have access to him; by whose
 ' means (as is thought) he wrote a letter to my Lord
 ' of Salisbury, not four hours before his death, with a
 ' retractation of that he had said touching this man;
 ' protesting before God, to whom he was now going;
 ' and upon his soul and salvation, that he had not
 ' seen him in sixteen years last past. Whereas it was
 ' proved both by Garnet himself, by Mrs. Vaux, and
 ' others, that he had been with him in three several
 ' places this last year, and once not a month before
 ' the plot should have been performed. In which
 ' case Garnet's opinion of him being likewise asked,
 ' he said he thought he meant some equivocation. It
 ' were to no end to trouble you farther; only I will
 ' tell you how my Lord Admiral *nicht* it in saying to
 ' him, "Garnet, thou hast done more good in that
 ' pulpit this day (for he stood in a pew by himself)
 ' than in all the pulpits thou ever camest in in thy
 ' life." In conclusion, he was found guilty and had
 ' judgment; but it is thought he should not die yet,
 ' if at all, for they hope to win much out of him, and
 ' used him with all respect and good words; and he
 ' carried himself very gravely and temperately.'

Subsequent Proceedings respecting Garnet and his Execution.

Several weeks elapsed after the condemnation of
 Garnet before it was thought proper to execute the
 sentence passed upon him. The object of this sus-
 pension of his fate is not precisely ascertained; pos-
 sibly, as the examinations were industriously conti

nued in the interval, it was expected by the Government that some more distinct admission of his participation in the plot might be obtained from him. As to a direct acknowledgment of his guilt, there is no doubt that such an expectation, if entertained, was entirely disappointed; the Jesuit was consistent to the last in all his direct statements respecting himself, and the share he had taken in the transaction. But it is equally clear that the correspondence and conduct of Garnet, as well as his formal declarations subsequently to his trial, are most material for the solution of the great historical problem respecting the nature and extent of his connexion with the designs and counsels of the conspirators. With a view, therefore, to enable the reader to form his own opinion on this subject, it will be necessary to enter somewhat in detail into the relation of the occurrences of that period.

The examinations of Garnet subsequently to the trial were frequently directed to matters of jesuitical faith and doctrine, and in particular to his own sentiments respecting the obligation of human laws and equivocation. On these subjects he avowed opinions as inconsistent with all good government as they were contrary to sound morality. It was usual for the Privy Council, both before and after his trial, to require him from time to time to commit to writing, not only statements respecting his conduct, but also his opinions on various points of morality and religion. Of these papers many are still preserved at the State-Paper Office, and many more are mentioned, and partly abstracted, in the course of the controversy which took place a few years after his death.

Being, on one occasion before his trial, desired to declare his opinion respecting equivocation, he thus expresses himself in a paper, dated the 20th of

March, 1605-6: 'Concerning equivocation, this is
 ' my opinion: in moral affairs, and in the common
 ' intercourse of life, when the truth is asked amongst
 ' friends, it is not lawful to use equivocation, for that
 ' would cause great mischief in society—wherefore in
 ' such cases there is no place for equivocation. But
 ' in cases where it becomes necessary to an individual
 ' for his defence, or for avoiding any injustice or loss,
 ' or for obtaining any important advantage, without
 ' danger or mischief to any other person, there equi-
 ' vocation is lawful.' As an illustration of this doc-
 trine, he then cites an instance of what he considers
 lawful equivocation, taken from the "Treatise of Equi-
 vocation," supposed to have been written by Francis
 Tresham. 'Let us suppose,' says he, 'that I have
 ' lately left London, where the plague is raging; and,
 ' on arriving at Coventry, I am asked before I can be
 ' admitted into the town, whether I come from Lon-
 ' don, and am perhaps required to swear that I do not :
 ' it would be lawful for me (being assured that I bring
 ' no infection) to swear in such a case that I did not
 ' come from London; for I put the case that it would
 ' be very important for me to go into Coventry, and that
 ' from my admittance no loss or damage could arise
 ' to the inhabitants. There is no motive for the ques-
 ' tion, except a desire to avoid the introduction of the
 ' plague into Coventry; and if the inhabitants knew
 ' for certain (as I know myself) that I am not infected
 ' with the plague, they would at once admit me into
 ' their city*.'

In an Examination † taken after his trial, on the
 28th April, he goes a step farther and avows, 'that
 in all cases where simple equivocation was allowable
 it was lawful if necessary to confirm it by an oath.

* This statement is taken from Casaubon's Letter to Fronto
 Ducaeus.

† State-Paper Office.

‘ This,’ says he, ‘ I acknowledge to be, according to my opinion, and the opinion of the schoolmen ; and our reason is, for that in cases of lawful equivocation, the speech by equivocation being saved from a lie, the same speech may be without perjury confirmed by oath, or by any other usual way, though it were by receiving the sacrament, if just necessity so require.’

In a Declaration*, in his own hand-writing, dated April 1, he thus reasons respecting the obligation of laws : ‘ One necessary condition required in every law is that it be just ; for, if this condition be wanting, that the law be unjust, then is it, *ipso facto*, void and of no force, neither hath it any power to oblige any. And this is a maxim not only of divines, but of Aristotle and all philosophers. Hereupon ensueth that no power on earth can forbid or punish any action, which we are bound unto by the law of God, which is the true pattern of all justice ; so that the laws against recusants, against receiving of priests, against mass, and other rites of Catholic religion, are to be esteemed as no laws by such as stedfastly believe these to be necessary observances of the true religion. Likewise Almighty God hath absolute right for to send preachers of his gospel to any place in the world ; “ *Euntes docete omnes gentes.*” So that the law against priests coming into the realm sincerely to preach is no law ; and those that are put to death by virtue of that decree are verily martyrs, because they die for the preaching of true religion. Being asked what I meant by “ true treason,” I answer, that is a true treason which is made treason by any just law ; and that is no treason at all which is made treason by an unjust law.’ In the same paper he declares, respecting equivocation, that ‘ where a man is bound by the law of the country

* State-Paper Office.

‘ in which he lives to confess an offence, there is no
‘ place for equivocation ; but that when he is not
‘ bound to confess according to the laws of such
‘ country, then he may equivocate.’

In making such avowals, Garnet seems to have forgotten his own position, and to have overlooked the object of those who were extracting them from him. The King and his advisers naturally applied these propositions to his own exculpatory statements, as showing how little reliance could be placed upon the most solemn asseverations of a man whose opinions approved, and whose practice sanctioned, the violation of truth in all cases where, in his own fallible judgment, he was not morally or legally bound to accuse himself. It was perfectly clear too, that, though these sentiments were professed and published by some of the most eminent Jesuits of those days, they were not entertained by Garnet merely as abstract and speculative doctrines, for he had practically adopted them in the whole course of his conduct during the examination. He had denied all knowledge of the plot until betrayed by the conferences with Oldcorne ; and he denied those conferences until he plainly perceived that he only injured himself by so doing ; and when afterwards abashed and confounded at the clear discovery of his falsehood, he admitted to the Lords that “ he had sinned unless equivocation could save him.” From the beginning to the end of the inquiry he had acted in strict consistency with the principles he now acknowledged, - never confessing any fact until it was proved against him, and never hesitating to declare palpable falsehoods respecting matters which tended to inculcate himself, and to affirm them by the most solemn oaths and protestations. The King was inclined to lenient measures. He had expressly forbidden the torture in Garnet’s case, and had ordered him to be treated with mildness

and forbearance. He asserts of his own disposition that he was "naturally averse from blood." Garnet's intimacy with some of the foreign ambassadors, and the interest felt for him at several courts of Europe, may have alarmed his timidity; in addition to which, it has been suggested as not improbable that the doubtful nature of the evidence adduced on the trial, and the apparent candour of Garnet's defence, may have produced so favourable an impression on his mind as to induce him to hesitate respecting the execution of the sentence. But as his defence depended entirely upon his own assertions, Garnet's declaration of his principles must have tended to weaken that impression, by inducing reasonable doubts of his sincerity; and in this manner may possibly have determined his fate.

The papers above cited were generally written with his own hand, and always signed by himself; and it is therefore fair to make him responsible for them. Less credit is, however, to be given to loose reports of expressions in conversation officiously forwarded by the Lieutenant of the Tower. No doubt any sentiment uttered by Garnet at this time, which was likely to influence the mind of the King against him, was zealously recorded and reported to the Council; and the memorandum annexed to the following paper, by the malicious sycophancy of Waad, sufficiently denotes the object for which it was intended:—

' 1 *Aprilis*, 1606.

' Garnet doth affirm, that if any man hath or
' should undertake to kill his Majesty, (whom God
' preserve!) that he is not bound to confess it, though
' he be brought and examined before a lawful magis-
' trate, unless there is proof to convince him.

Exam. per ' W. G. WAAD,
' WILLIAM LANE,
' J. LOCHERSON.'

‘ MEMORANDUM.—These words in the parenthesis, ‘ (whom God preserve !) were not spoken by Garnet, ‘ but added by us as fit in duty to be marked in so ‘ heinous a case : and I never heard him wish good ‘ wish to his Majesty since he came to the Tower.’

As a means of arriving at the truth respecting Garnet subsequently to his trial, attempts were made to circumvent him by giving him false information, which would necessarily excite great uneasiness in his mind, and induce him to attempt explanations of his conduct to his friends abroad ; opportunities for such communication were then insidiously thrown in his way, and the communications themselves were intercepted and brought to the Council. With a view to this scheme, he was told by the clergymen, who visited him in the Tower for this purpose, and by the Lieutenant, that great scandal had been occasioned amongst Catholics by the facts he had admitted upon his trial, insomuch that multitudes in consequence of his conduct in breaking the seal of confession, accusing Greenway, and acknowledging the Pope’s breves, had forsaken the Catholic church in disgust. They hinted also that Greenway had been taken, and was in the Tower. This information filled Garnet’s mind with dismay. That Catholics should disapprove his conduct troubled him deeply ; and he dreaded that further scandal would arise from the disclosures which Greenway might make. His whole defence had rested upon the assurance of Greenway’s escape ; and if that Jesuit were now taken and examined, he might give a totally different account of the transaction, and betray all. Under these apprehensions, he writes, on the 3d of April, a letter to Anne Vaux, which was intercepted, and is still in existence. The first part of the letter* consists entirely of advice to herself respecting the best mode of disposing of

* This letter and the subsequent Declaration are taken from the autographs in the State-paper Office.

herself after his death. He then proceeds as follows:—

‘ I understand by the doctors which were with
 ‘ me, and by Mr. Lieutenant, that great scandal was
 ‘ taken at my arraignment, and five hundred Catholics
 ‘ turned Protestants; which, if it should be true, I
 ‘ must think that many other Catholics are scandalized
 ‘ at me also. I desire all to judge of me in charity;
 ‘ for, I thank God most humbly, in all my speeches
 ‘ and actions I have had a desire to do nothing
 ‘ against the glory of God; and so I will touch as
 ‘ near as I remember every point. I found myself
 ‘ so touched by all that have gone before, but espe-
 ‘ cially by the testimony of two that did hear our
 ‘ confessions and conferences, and *misunderstand us*,
 ‘ that I thought it would make our actions much
 ‘ more excusable to tell the truth than to stand to the
 ‘ torture or trial by witnesses. *I acknowledged that*
 ‘ *Mr. Greenwell only told me in confession*; yet so
 ‘ that I might reveal it if after I should be brought in
 ‘ question for it. I also said that I thought he had
 ‘ it in confession, so that he could reveal it to none
 ‘ but to me; and so neither of us was bound or could
 ‘ reveal it. I thought Mr. Greenwell was beyond
 ‘ sea, and that he could have no harm; but if he be
 ‘ here, in their fingers, I hope his charity is such that
 ‘ he would be content to bear part with me. *He*
 ‘ *was so touched that my acknowledgments* did rather
 ‘ excuse him; for I said (*as it was true*) that we
 ‘ both conspired to hinder it. And so I hope he did.
 ‘ For Bates’s accusation is of no credit, he revealing
 ‘ confession if it were true. For matters of the
 ‘ Pope’s authority, of *sigillum confessionis*, of equivo-
 ‘ cation, I spoke as moderately as I could, and as I
 ‘ thought I was bound; if any were scandalized
 ‘ thereat, it was not my fault but their own. The
 ‘ breves I thought necessary to acknowledge for many

‘ causes, especially Mr. Catesby having grounded
 ‘ himself thereon, and not on my advice. I remem-
 ‘ ber nothing else that could scandalize. But I was
 ‘ *in medio illulorum* ; and it may be Catholics may
 ‘ also think strange that we should be acquainted
 ‘ with such things, but who can hinder but he must
 ‘ know things sometimes which he would not? I
 ‘ never allowed it ; I sought to hinder it more than
 ‘ men can imagine, as the Pope will tell ; it was not
 ‘ my part, as I thought, to disclose it.

‘ I have written a detestation of that action for the
 ‘ King to see ; and I acknowledge myself not to die
 ‘ a victorious martyr, but a penitent thief, as I hope
 ‘ I shall do ; and so will I say at the execution, what-
 ‘ soever others have said or held before. Let every
 ‘ body consider, if they had been twenty-three times
 ‘ examined before the wisest of the realm, besides
 ‘ particular conferences with Mr. Lieutenant, what
 ‘ he could have done under so many evidences. For
 ‘ the conspirators thought themselves sure, and used
 ‘ my name freely ; though I protest none of them
 ‘ ever told me of any thing, yet have I hurt nobody.
 ‘ . . . Howsoever I shall die a thief, yet you may
 ‘ assure yourself your innocency is such that I doubt
 ‘ not but if you die by your imprisonment, you shall
 ‘ die a martyr, 1 Pet. iv. *Tempus est ut incipiat
 ‘ judicium a domo Dei. Vale, mihi semper dilec-
 ‘ tissima in Christo, et ora pro me* l*” 3^o April.

On the following day he sent to the Council the
 declaration alluded to in the above letter as written
 for the King to see. It is as follows:—

4^o April.

‘ I, Henry Garnet, of the Society of Jesus, Priest,

* It was Garnet’s usual custom to conclude his letters to Anne
 Vaux with fragments of texts from the Vulgate or from the
 Roman Liturgy, not always very apposite to the subject of his
 communications.

' do here freely protest before God, that I hold the
 ' late intention of the powder action to have been
 ' altogether unlawful and most horrible, as well in
 ' respect of the injury and treason to his Majesty, the
 ' Prince, and others that should have been sinfully
 ' murdered at that time, as also in respect of infinite
 ' other innocents, which should have been present.
 ' I also protest that I was ever of opinion that it was
 ' unlawful to attempt any violence against the King's
 ' majesty and the estate after he was once received
 ' by the realm. Also I acknowledge that I was
 ' bound to reveal all knowledge that I had of this
 ' or any other treason out of the sacrament of con-
 ' fession. And whereas, partly upon hope of preven-
 ' tion, partly for that I would not betray my friend,
 ' I did not reveal the general knowledge of Mr.
 ' Catesby's intention which I had by him, I do
 ' acknowledge myself highly guilty, to have offended
 ' God, the King's majesty and estate; and humbly
 ' ask of all forgiveness; exhorting all Catholics what-
 ' soever, that they no way build upon my example,
 ' but by prayer and otherwise seek the peace of the
 ' realm, hoping in his Majesty's merciful disposition,
 ' that they shall enjoy their wonted quietness, and
 ' not bear the burden of mine or others' defaults or
 ' crimes. In testimony whereof I have written this
 ' with my own hand. ' HENRY GARNET.'

Both the above papers are still in existence at the
 State-Paper Office in Garnet's hand-writing; and no
 doubt can exist either as to their genuineness or their
 contents. They contain nothing positively inconsis-
 tent with Garnet's statement on the trial; taken by
 themselves, indeed, they rather strengthen his de-
 fence; but it will be observed that he takes care to
 define exactly the extent of the admissions which he
 had made, which might be for the information and

guidance of Greenway in his answers ; and the whole scope and object of the letter to Anne Vaux is not to justify himself from the imputation of being in fact an accessory to the plot, but to excuse himself from the accusation of weakness in having acknowledged so much as he had done, by showing that he had admitted no more either against himself or Greenway than had been already proved beyond the possibility of contradiction.

On the 4th of April he also wrote a letter to Greenway, which, like the other papers written by him at this time, was intercepted by Sir William Waad. This letter is lost, and no copy of it has been discovered to be in existence. It is however repeatedly cited and fully abstracted both by Abbott in his *Antilogia*, and by Casaubon in his *Letters to Fronto Ducæus*, both of whom certainly had it before them. From the extracts given from this paper by both these writers, it appears to have contained little more than an echo of the above letter to Anne Vaux. "I wrote yesterday," he says to Greenway, "a letter to the King, in which I avowed, as I do now, that I always condemned that intention of the Powder Plot ; and I admitted that I might have revealed the general knowledge I had of it from Catesby out of confession, and should have done so if I had not relied upon the Pope's interference to prevent their design, and had not been unwilling to betray my friend ; and in this I confessed that I had sinned both against God and the King, and prayed for pardon from both*."

Garnet, when afterwards examined respecting this letter before the Commissioners, at first affirmed, "upon his priesthood, that he did never write any letter or letters, nor send any message to Greenway since he was at Coughton ; and this he protested

* Abbott's *Antilogia*, p. 147.

to be spoken without equivocation*." A few days afterwards, on being shown his letter to Greenway, and asked how he could justify this falsehood, he boldly replied, "that he had done nothing but that he might lawfully do, and it was evil done of the Lords to ask that question of him, and to urge him upon his priesthood when they had his letters which he had written, for he never would have denied them if he had seen them; but supposing the Lords had not his letters, he did deny in such sort as he did the writing of any letter, which he might lawfully do†."

This practice of denying facts tending to the establishment of a criminal charge, until the offender is satisfied that they can be proved, was frequently adopted and justified by Garnet in the course of these proceedings. The doctrine was by no means peculiar to him, but was commonly maintained by theologians of his persuasion. Soto, a learned Jesuit, in his treatise *De Ratione tegendi et detegendi secretum*, thus states the argument in its vindication: "It is unlawful for any man to kill himself; consequently no man can be justified in doing any thing to promote his own destruction. But he who confesses a crime to a magistrate, without which confession he could not be condemned to death, acts against his own life. Therefore in such a case no man is bound to confess the truth." Nor was Garnet singular in his practical application of the doctrine. Mr. Abington, who was imprisoned and examined respecting his knowledge of the plot, and especially respecting his harbouring Garnet in his house at Hendlip, thus describes his own examination before the Council: "My Lord Chief Justice fell in the end to two points, the one, if Mr. Tesmond ever moved me to join with

* Garnet's Examination, 25th April, 1606.—State-Paper Office.

† Original Examination in the State-Paper Office, signed "Henry Garnet."

Sir Everard Digby, Mr. Catesby, and Mr. Winter, and others, in open rebellion against the King: but that they could not prove. The other was, if I knew of Mr. Garnet's being in my house? I, confident that they would not confess any thing against me, denied them both." So that Mr. Abington does not deny that both of these imputed facts were true, but that neither of them could be proved against them, and therefore he denies them. He had good reason for his confidence in Garnet and Oldcorne's silence respecting him, for he afterwards says "that it was mutually resolved by Garnet, Hall, and himself, that if those two were ever taken in his house, they should absolutely renounce all knowledge and acquaintance one with another*."

On the same day on which his letter to Greenway was sent, Garnet was examined†, having previously received a hint that Greenway had declared that he had communicated the matter to him out of confession. He was seriously charged on this occasion to "affirm sincerely whether he had really received the matter at first from Greenway in confession?" He answered, "Greenway and I were walking to and fro, when he told me the whole matter *under what I understood to be the greater seal of confession*, though he perhaps may have intended the lesser seal." Two days after this examination, Garnet wrote another letter to the King, dated April 6, in which he says "that he cannot for certain affirm that Greenway's intention was to communicate the matter to him in confession, and it might be that this was not his intention, but that he (Garnet) always supposed that his intention was as he had before related." He added that "perhaps Greenway did not understand so well as he did what

* Dr. Williams's Vindication of his History of the Powder Treason; citing Mr. Abington's Autograph.

† Tortura Torti, p. 285, citing *Autogr.* April 4.

was the extent of the bond of confession; but that, at all events, he always understood the communication *to be made with reference to confession*, but so that he might reveal it to his Superior, if questioned*."

But a much more important paper than either of these was a letter addressed by Garnet '*Dilectissimis Patribus et Fratribus meis*,' 'To his beloved Fathers and Brethren,' and dated on Palm Sunday (April 13). This paper is also unfortunately lost; but copious extracts from it are contained in Abbott's Antilogia. From these extracts, and also from the quotations given in Casaubon's Letter to Fronto Ducæus, and in Bishop Andrews's Tortura Torti, it appears that it was written by Garnet with the same view as the letters to Mrs. Vaux and Greenway, namely, to remove from the minds of the English Catholics an unfavourable impression which he was told had arisen against him in consequence of his having accused Greenway, and confessed his own knowledge of the plot. "I acknowledged my own privacy," says he, "because all who had gone before me had accused me, Catesby having used my name freely in order to persuade others, and I was therefore thought much more guilty than I really was; so that my confession did much rather excuse me and my friends than otherwise; and also most chiefly because, while Hall and I had divers conferences at our two doors in the Tower, two witnesses placed at a third door did overhear us. Moreover certain letters of mine to Mrs. Anne (Vaux), written with orange juice, were intercepted by some perfidy, and thus occasion hath been taken against me, though without reason. Wherefore I was perforce compelled to confess my knowledge; nor would it have been prudent against the clearest proof to have suffered

* Abbott's Antilogia, p. 140, citing *Garneti Autogr. ad Regem*, April 6.

torture, which I thank God I could have borne for a better cause; and I was also compelled to name Greenway, which I should never have done, if I had not heard for certain from a friend that he was safe beyond sea. If I had not thought so, I must have devised some other formal story (*fabula formalis*): But as the matter stood, this was absolutely necessary;—in the first place, because I could not say that I had my knowledge from any of the conspirators, as this would have been contrary to my most sacred protestations made in writing to all Catholics, and verbally to the Council; and secondly, because I saw him no less charged than myself with divers confessions of other persons, and the Commissioners even wished that they had him to deal with instead of me.”

We make no remark at present upon the effect of this letter upon the subject in controversy between the Catholics and Protestants respecting Garnet, and merely insert it as completing the narrative of the events which took place subsequently to his trial. By Eudæmon-Joannes, and also by modern Catholic writers, the letter has been pronounced to be a forgery; but this assertion must be considered as a mere *gratis dictum*, urged in order to remove a pressing difficulty, and wholly unsupported by evidence or sound argument. The reasons given by Dr. Lingard* for considering it to be supposititious, are founded chiefly upon a misapprehension of some parts of the letter, and upon a supposed expression in it, which the letter does not in truth contain. “Garnet is made to say,” says Dr. Lingard, “that had he not known *that Greenway was in the Tower*, he would have invented some other *fiction*.” What Garnet is really represented to have said is the reverse of this; he had been falsely told, (as Abbott declares) in order to extract the truth from him, that Greenway had not escaped, but was in the

* History of England, vol. ix. note D.

Tower ; and Garnet therefore says that if he had known this, and had not believed him to be safe beyond seas, he should not have confessed anything which could bring him into question ; but that if he had known him to be " in their fingers," as he expresses it, he should have invented some other formal story. Indeed the excuse which he is in this letter represented to have given for disclosing Greenway's name is precisely the same in effect, and nearly the same in words, as that given in the letter to Mrs. Vaux. " But," says Dr. Lingard, " that he should have called what he said respecting Greenway a false accusation, a fiction, is to me incredible. It was no fiction, but a fact." Now the letter does not in terms call the statement respecting Greenway either a false accusation or a fiction ; the writer says that he should not have told that formal story (which may mean a fiction), but have invented some other, if he had been aware that Greenway was in custody ; but Dr. Lingard's assumption that what he did state was no fiction, is in effect an assumption of the whole question in dispute ; if the proposition that Garnet only heard the story from Greenway in confession was the simple truth, there is no further controversy between him and his opponents. The doubt is whether he did not receive it from other persons than Greenway, and not under the seal of confession, as represented by himself. Besides, though the paper, when combined with other circumstances, furnishes a strong argument against Garnet's innocence, it is not in itself so conclusive and convincing a proof of his guilt as a forger would probably have fabricated. For these reasons we cannot concur with Dr. Lingard in considering this letter as " wholly unworthy of credit," though, from the loss of the original document, it is open to the imputation of being merely a fragment, and of having been unfairly or inaccurately abstracted. With respect to this objection, however, a comparison

of Dr. Abbott's extracts from other documents of a similar kind with the originals will show that they at least are fairly extracted and faithfully translated, and there seems no reason why a different mode of proceeding should have been adopted with this particular paper.

A few days before Garnet's execution several divines of the English Protestant church visited him in the Tower, for the alleged purpose of giving him such spiritual assistance as his situation required, but really perhaps by the direction of the King, in order to draw from him further information respecting the faith and doctrine of the Jesuits. Among other persons present on this occasion besides Sir William Waad, the Lieutenant of the Tower, there were Dr. James Montague, the Dean of the Chapel Royal; Dr. Neile, one of the King's Chaplains and Dean of Westminster; and Dr. John Overall, Dean of St. Paul's, all of them clergymen of distinguished learning and piety*. After conversing at length with him upon

* Dr. Montague was made Dean of the Chapel Royal immediately upon James's accession, and was afterwards successively Bishop of Bath and Wells and of Winchester. "Dr. Richard Neile," says Anthony Wood (*Fasti. Oxon.* i. p. 287), was one who passed through all degrees and orders in the church of England, and was thereby made acquainted with the inconveniences and distresses incident to all conditions. He served the church as schoolmaster, curate, vicar, parson, master of the Savoy, Dean of Westminster in the place of Launcelot Andrews, promoted to the see of Chichester (in which dignity he was installed, 5th November, 1605), Clerk to the Closet to both Kings James I. and Charles I. successively, Bishop of Rochester 1608, (with which he kept his deanery *in commendam*), Litchfield and Coventry two years after, Lincoln 1613, Durham 1617, Winchester 1628, and lastly, in 1631, Archbishop of York, in which honour he died 31st October, 1640, and was buried in St. Peter's Church in Westminster. He was born of honest parents in King Street, in the city of Westminster, his father being a tallow-chandler." Dr. John Overall was created Dean of St. Paul's soon after James's accession: and about the same time was appointed Regius Professor of Divinity in the University of

several points of doctrine, one of the visitors asked him "whether he conceived that the church of Rome, after his death, would declare him a martyr; and whether, as a matter of opinion and doctrine, he thought the church would be right in doing so, and that he should in that case really become a true martyr?" Upon this Garnet exclaimed, with a deep sigh, "I a martyr? O what a martyr should I be! God forbid! If, indeed, I were really about to suffer death for the sake of the Catholic religion, and if I had never known of this project except by the means of sacramental confession, I might perhaps be accounted worthy of the honour of martyrdom, and might deservedly be glorified in the opinion of the church; as it is, I acknowledge myself to have sinned in this respect, and deny not the justice of the sentence passed upon me." "Would to God," he added, "that I could recall that which has been done! Would to God that anything had happened rather than that this stain of treason should hang upon my name! I know that my offence is most grievous, though I have confidence in Christ to pardon me on my hearty penitence; but I would give the whole world, if I possessed it, to be able to die without the weight of this sin upon my soul*.

Cambridge: he was afterwards Bishop of Litchfield and Coventry, from which see he was translated to Norwich. He died in 1619. Dr. Overall was a learned and enlightened theologian, an excellent scholar, and singularly liberal for the times in which he lived. He was the intimate friend of Grotius, among whose correspondence many letters from Overall are found. He took a leading part in the translation of the Bible at the commencement of James's reign.

* This anecdote is related in the Letter to Fronto Ducæus, by Casaubon (who says that Dr. Overall, the Dean of St. Paul's, first related it to him, and that on his mentioning it to the Bishop of Bath and Wells and the Bishop of Litchfield, they fully confirmed it); and also by Dr. Abbott in his *Antilogia*, p. 148. That a conversation of the kind occurred is clear from Garnet's Letter

The confusion and distress of Garnet's mind at this time, under the pressure of various kinds which had been applied to it, appears from the following singular letter * to Anne Vaux, which is supposed to have been the last letter written by him to her:—

‘ It pleaseth God daily to multiply my crosses. I beseech him give me patience and perseverance *usque in finem*. I was, after a week's hiding, taken in a friend's house, where our confessions and secret conferences were heard, and my letters taken by some indiscretion abroad;—then the taking of yourself;—after my arraignment;—then the taking of Mr. Greenwell;—then the slander of us both abroad;—then the ransacking anew of Erith and the other house;—then the execution of Mr. Hall;—and now, last of all, the apprehension of Richard and Robert; with a cipher, I know not of whose, laid to my charge, and that which was a singular oversight, a letter in cipher, together with the ciphers; which letter may bring many into question.

‘ *Suffer etiam hos; audistis et finem Domini vidistis; quemadmodum misericors Dominus est et miserator. Sit nomen Domini benedictum.*

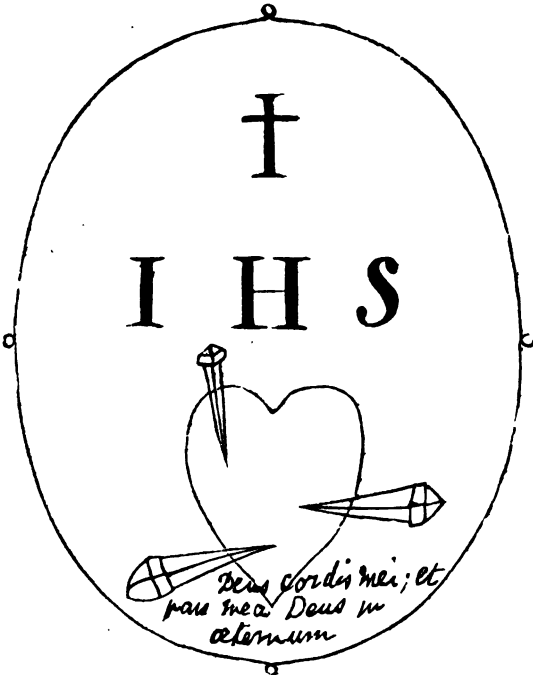
‘ Your's, *in æternum*, as I hope,
‘ 21^o Apr. ‘ H. G.

‘ I thought verily my chamber in Thames Street had been given over, and therefore I used it to save Erith; but I might have done otherwise.’

to the Fathers and Brethren, on Palm Sunday, above cited, in which he says, “three Deans have been with me, who gave me good counsel about contrition, confession, and satisfaction. I told them I should not be found wanting as to any of those matters; but that I could not converse with them about them, because it was unlawful for me to do so. They asked me whether I thought, that I should die a martyr? I answered, No, but a penitent thief which I had before said to Mr. Attorney.”

* State-Paper Office.

At the end of the above letter the following strange figure is described, probably as a symbol of his sufferings and his confidence in God.



The last formal examination of Garnet before the Lords Commissioners took place on the 25th of April, about a week before his execution. On this occasion "being demanded upon his priesthood to affirm sincerely, notwithstanding any thing heretofore said, whether he took Greenwell's discovery to be in

confession or no? He answered, *that it was not in confession, but by way of confession*; which may be done in conference of great points, or need of study, or want of time though it be a good while after." "Being asked, how often they conferred of this? He said, *so often as they met he would ask, being careful of the matter*; but new question he did ask him none." "Being asked, upon his priesthood, whether he did burn the Pope's breves or no? He answered, that according to his remembrance they were assuredly burned with his own hands, either at Erith or Coughton." "Being asked, whether he had not conference with Greenwell about some man to be reserved to be protector? He answered, that in general he did ask such a question; who answered, that that was to be referred until the blow was passed, and then the protector to be chosen out of the noblemen that should be saved*."

At length, when the scruples of the King were overcome, or when the Lords of the Council were satisfied that no further discoveries of importance could be obtained from Garnet, the warrant for his execution was signed.

The 1st of May had been originally appointed for the day of his execution. "It was looked yesterday," says Sir Dudley Carleton, in a letter† to Chamberlaine, dated the 2d May, 1606, "that Garnet should have come *a-maying* to the gallows, which was set up for him in Paul's Church Yard on Wednesday; but upon better advice his execution is put off till tomorrow, for fear of disorder among prentices and others in a day of such misrule. The news of his death was sent to him upon Monday by Dr. Abbott‡,

* Garnet's Examination, 25th April, 1606. State-Paper Office.

† State-Paper Office.

‡ It is uncertain whether this was Dr. George Abbott, afterwards Archbishop of Canterbury, or Dr. Robert Abbott, his bro-

which he could hardly be persuaded to believe, having conceived great hope of grace by some good words and promises he said were made him, and by the Spanish ambassador's mediation, who he thought would have spoken to the King for him. He hath been since often visited and examined by the Attorney, who finds him shifting and faltering in all his answers; and it is looked he will equivocate at the gallows; but he will be hanged without equivocation, though yet some think he should have favour upon a petitionary letter he hath sent to the King."

Carleton's information, or his prophecy, was accurate, for on the following day Garnet was brought to the scaffold and executed, in pursuance of his sentence.

In cases of doubtful evidence, a true account of the conduct and language of a criminal in his last moments would always be extremely interesting, and might often afford important indications of facts bearing upon the question of his guilt or innocence. It is true, that the statements made at such a time are to be received with much caution. The immediate prospect of death does not necessarily impel the sufferer to speak the truth, though it takes away many motives to falsehood; and there are many well authenticated instances of persons, who, influenced still by the passions, hopes, and fears of their previous lives, have uttered manifest untruths upon the scaffold, and (to use a vulgar phrase) have quitted the world with a lie in their mouths. These are, however, rare instances; the more common case is, for offenders to admit their guilt in effect, and to attempt in their last moments to give a favourable colouring to the part they have taken in the particular transaction for which they are to suffer, the main features of

ther, the author of the 'Antilogia,' who was at this time one of the King's chaplains, and afterwards Bishop of Salisbury.

which they do not attempt to deny. With this object, they either describe their companions to have been more actively criminal than themselves, or they impute misconduct to their accusers, or they mitigate and justify the motives ascribed to themselves, and thus attempt to cover the naked wickedness of their own actions. This flimsy veil is, however, easily seen through; and it is by no means uncommon to discover, among the petty artifices used on these occasions, with the view of improving the complexion of criminal acts, the most convincing proofs of the guilt of the offender. At all events, it is most satisfactory, where any doubt exists respecting facts, to possess a faithful narrative of the conduct of a criminal after his condemnation; if the evidence of his behaviour and conversation, before conviction, has a material bearing upon the question of his guilt or innocence, it must be much more important when most of the motives to falsehood have vanished with the hope of life, and when the immediate approach of death, and the apprehension of its unknown consequences, may well induce a frame of mind favourable to the confession of truth.

Unfortunately, in ancient times, this advantage was seldom to be attained; there was always a political end, wholly independent of the legitimate objects of criminal punishment, to be obtained by an execution for a state offence. With this view, the suppression of truth was often more important than its discovery, and, in such cases, executions were so contrived that no inconvenient disclosures should be made to the people. Particular persons connected with the court were directed to attend, who were placed near enough to hear and see all that passed, whereas to the multitude at large the whole spectacle was, for the most part, a piece of dumb show. Such an account of the proceeding was then published as

sued the objects of the government, without fear of any contradiction.

The same course which had been adopted at the executions of Norfolk, Essex, and several other individuals, whose fate excited a strong popular interest, was followed at that of Garnet. The Deans of Winchester and St. Paul's were directed to attend, and the Recorder of London, Sir Henry Montague*, was specially authorized by the King to be present, and to put certain questions to the prisoner. Under these circumstances, the relation of the execution, afterwards published by authority, and circulated with the garbled report of the trial, cannot be supposed to be impartial or accurate. The account given by Dr. Abbott in his 'Antilogia,' though it corresponds in most particulars with the narrative commonly published with the trial, is rather more complete and temperate, and we have therefore inserted it in preference to the more commonly received narration.

On the 3d day of May, 1606, Garnet was drawn upon a hurdle, according to the usual practice, to a place of execution prepared in St. Paul's Churchyard. The Recorder of London, the Dean of St. Paul's†, and the Dean of Winchester, were present by the command of the King; the former in the King's name, and the two latter in the name of God and Christ, to assist Garnet with such advice as suited the condition of a dying man. As soon as he had ascended the scaffold, which was much elevated in order that the people might behold the spectacle, Garnet saluted the Recorder somewhat familiarly, who told him that "it was expected from him that he should publicly deliver his real opinion respecting

* He was afterwards Chief Justice of the King's Bench, and in 1626 was created Earl of Manchester. The Recorder was brother to Dr. James Montague, the Dean of Westminster.

† See *ante*, p. 310 (note).

the conspiracy and treason—that it was now of no use to dissemble, as all was clearly and manifestly proved ; but that if, in the true spirit of repentance, he was willing to satisfy the Christian world by declaring his hearty compunction, he might freely state what he pleased.” The Deans then told him, “that they were present on that occasion by authority, in order to suggest to him such matters as might be useful for his soul ; that they desired to do this without offence, and exhorted him to prepare and settle himself for another world, and to commence his reconciliation with God by a sincere and saving repentance.” To this exhortation, Garnet replied, “that he had already done so, and that he had before satisfied himself in this respect.” The clergymen then suggested that “he would do well to declare his mind to the people.” Then Garnet said to those near him, “I always disapproved of tumults and seditions against the King ; and if this crime of the Powder Treason had been completed, I should have abhorred it with my whole soul and conscience.” They then advised him to declare as much to the people. “I am very weak,” said he, “and my voice fails me ; if I should speak to the people, I cannot make them hear me ; it is impossible that they should hear me.” Then said Mr. Recorder, “Mr. Garnet, if you will come with me, I will take care that they shall hear you ;” and going before him, led him to the western end of the scaffold. He still hesitated to address the people, but the Recorder urged him to speak his mind freely, promising to repeat his words aloud to the multitude. Garnet then addressed the crowd as follows : “My good fellow-citizens, I am come hither on the Morrow of the Invention of the Holy Cross, to see an end of all my pains and troubles in this world : and I here declare before you all, that I consider the late treason and conspiracy against the

state to be cruel and detestable : and, for my part, all designs and endeavours against the King were ever misliked by me ; and if this attempt had been perfected as it was designed, I think it would have been altogether damnable : and I pray for all prosperity to the King, the Queen, and the Royal Family." Here he paused, and the Recorder then reminded him to "ask pardon of the King for that which he had attempted." "I do so," said Garnet, "as far as I have sinned against him ; namely, in that I did not reveal that whereof I had a general knowledge from Mr. Catesby—but not otherwise." Then said the Dean of Winchester, "Mr. Garnet, I pray you deal clearly in this matter ; you were certainly privy to the whole business." "God forbid !" said Garnet ; "I never understood any thing of the design of blowing up of the Parliament-House." "Nay," replied the Dean of Winchester, "it is manifest that all the particulars were known to you, and you have declared under your own hand that Greenway told you all the circumstances in Essex." "That," said Garnet, "was in secret confession, which I could by no means reveal." Then said the Dean, "You have yourself, Mr. Garnet, almost acknowledged that this was only a pretence ; for you have openly confessed that Greenway told you not in confession, but by way of confession, and that he came of purpose to you with the design of making a confession ; but you answered that it was not necessary that you should know the full extent of his knowledge." The Dean further reminded him that "he had affirmed under his own hand that this was not told him by way of confessing a sin, but by way of conference and consultation ; and that Greenway and Catesby both came to confer with him upon that business ; and that as often as he saw Greenway he would ask him about that business because it troubled him." "Most certainly,"

said Garnet, "I did so in order to prevent it, for I always disliked it." Then said the Dean, "You only withheld your approbation till the Pope had given his opinion." "But I was well persuaded," said Garnet, "that the Pope would never approve the design."

Dean of Winchester. Your intention was clear from those two breves which you received from Rome for the exclusion of the King.

Garnet. That was before the King came in.

Dean of Winchester. But if you knew nothing of the particulars of the business, why did you send Baynham to inform the Pope? for this also you have confessed in your examinations.

Garnet. I have already answered to all these matters on my trial, and I acknowledge every thing that is contained in my written confessions.

The Recorder here interposed, and reminded Garnet, with respect to his assertion that he had only a general knowledge of the Plot from Catesby, that the following four points were expressly acknowledged by himself in writing, and that his confessions to that purpose were in the King's hands.

1. That Greenway had confessed the matter to him not as a sin, but for the sake of advice

2. That Catesby and Greenway had come together to him to obtain his advice.

3. That Greenway long afterwards had a conference with him in Essex, concerning the particulars of the Powder Plot.

4. That Greenway, being asked by himself, who should be the Protector after the crime was committed, answered, that this matter was deferred till after the Plot should have taken effect.

The Recorder then held in his hand the several papers which the King had given him for the purpose, in which Garnet had declared these several

matters under his own hand. The King had expressly arranged this, in order that if Garnet, with his accustomed effrontery, should, after all his previous confessions, return to a denial of his guilt on the scaffold, the means of convicting him by his own testimony might be ready. As soon as the Recorder began to produce the papers, Garnet being unwilling to have his confessions publicly read, told him "That he might spare himself that trouble; that he readily acknowledged whatever he had signed with his hand to be true; and that, inasmuch as he had not declared the knowledge of the Plot which had been generally imparted to him, he owned himself to be justly condemned, and asked pardon of the King." Then turning his discourse again to the people, at the instance of the Recorder, he proceeded to the same effect as before, declaring, "That he wholly disliked that cruel and inhuman design, and that he had never sanctioned or approved of any such attempts against the King and state; and that this project, if it had succeeded, would have been in his mind most damnable." The whole of this was repeated by the Recorder in a louder voice to the people, so that those might hear who, by reason of the distance, could not have heard Garnet's voice. Garnet then went on to excuse Anne Vaux, and to deny the truth of all reports of an unlawful intercourse between himself and her; but how futile that was, unless he equivocated, is obvious from what has been said above*. After he had thus spoken, he turned towards the gallows, and having asked the Recorder how much time would be given him for prayer, he received for answer that he might limit his own time in this respect, and that no one should interrupt him. He then kneeled down at the foot of the ladder, but conducted his devotions

* The reader will observe that Dr. Abbott is speaking in this narrative of Garnet's execution.

very coldly, and seemed to be unable to apply himself steadily and piously to prayer. Indeed so little affected was he in praying, that he looked round from time to time, and listened to what was said by the attendants, sometimes even answering to what they said; so that he appeared to mutter his prayers more for form and appearance than from any devotion of mind. When he had arisen from his knees, and was about to put off his clothes, the Recorder again addressed him, saying, "That he feared he was about to make his end as his life had been, his main object being still to attempt to extenuate his crime by cunning and duplicity." One of those standing near him then asked him, "Whether he still held the same opinion as he had formerly expressed about equivocation, and whether he thought it lawful to equivocate at the point of death?" He refused to give an opinion at that time; and the Dean of St. Paul's sharply inveighing against equivocation, and saying that seditious doctrine of that kind was the parent of all such impious treasons and designs as those for which he suffered, Garnet said, "that how equivocation was lawful, and when, he had shewn his mind elsewhere, and that he should, at any rate, use no equivocation now." The Dean rejoined, "But you have recorded strange doctrines on that subject in your written confessions." "In those confessions," said Garnet, "I have stated my real opinions, and to them I refer you." The Recorder then assured him, as he seemed still to entertain some hope of life, "that there was now no hope of pardon for him, and that it therefore behoved him to declare any thing within his knowledge, which might be useful to the state; and at all events, that it was desirable that he should declare to the people, whether he was satisfied of the justice of his condemnation." Garnet answered that he had nothing further to confess, but that he was esteemed more guilty than he really was,

inasmuch as he was not the author or contriver of the plot. When he had undressed himself to his shirt, he said, with a low voice, to those who stood nearest to him, "There is no salvation for you, unless you hold the Catholic faith." They answered, "We doubt not that we do hold the Catholic faith." "But," said he, "the only Catholic faith is that professed by the church of Rome." They replied, "that upon this matter he was altogether in error." He then ascended the ladder, and when he had entirely undressed himself, he requested the executioner to give him notice before he threw him off. He then addressed the people in the following words:—"I commend myself to all good Catholics. I am grieved that I have offended the King by not revealing the design entertained against him, and that I did not use more diligence in preventing the execution of the plot. Moreover, I pray God to bless the King's Majesty, with the Queen, and all their posterity, and grant him long to live and reign. I commend myself also most humbly to the Lords of His Majesty's Council, and beseech them not to judge hardly of me. I am sorry that I dissembled with them, and that I did not declare the truth until it was proved against me; but I did not think they had such sure proofs against me till they shewed them to me. As soon as I perceived this, I thought it most becoming to confess, although before it would have been unlawful for me to have accused myself. As to my brother Greenway, I wish the truth respecting him were known. I would never have charged him, if I had not believed him to be beyond sea. But it seemed right to me to confess the truth, which I wish he had done also, that false rumours might not make both of us more criminal than we really were. I beseech all men that Catholics may not fare the worse for my sake, and I exhort all Catholics to take care not to

mix themselves with seditious or traitorous designs against the King." Having thus spoken, he raised his hands and made the sign of the cross upon his forehead and breast, saying, "*In nomine Patris, Filii, et Spiritus sancti! Jesus Maria! Maria, mater gratiæ! mater misericordiæ! Tu me ab hoste protege, et horâ mortis suscipe!*" Then he said, "*In manus tuas, Domine, commendo spiritum meum, quia tu redemisti me Domine, Deus veritatis!*" Then again crossing himself he said, "*Per crucis hoc signum fugiat procul omne malignum! Infige crucem tuam, Domine, in corde meo;*" and again, "*Jesus Maria! Maria mater gratiæ!*" &c. In the midst of these prayers the ladder was drawn away, and, by the express command of the King, he remained hanging from the gallows until he was quite dead. All that he said from first to last was spoken in a hurried, timid, and disturbed manner; not using any clear and steady course of prayer—not confessing his unworthiness, and praying for forgiveness, nor professing his faith in Christ. His mind appeared to suggest nothing to him which could enable him to address himself to God with comfort, or rely with satisfaction upon his Redeemer. Confiding wholly in his superstitious usages, he seemed to have no prayers to use besides those forms which daily repetition had impressed upon his memory.

Account of the Miracle of Garnet's Straw.

After the execution of Oldcorne and Garnet, the most absurd tales of miracles performed, in vindication of their innocence, and in honour of their martyrdom, were industriously circulated by the Jesuits in England and in foreign countries. Thus it was said,—and the story is repeated by Father More, in his history of the Jesuits*, by Ribadeneira in his Catalogue of Martyrs, and other Catholic historians,—that after Oldcorne had been embowelled, according to the usual sentence in cases of treason, his entrails continued burning sixteen successive days, though great quantities of water were poured upon them to extinguish the flames;—the sixteen days denoting the number of years that he laboured in propagating the Catholic religion in England. Father More also relates, that from that particular spot, on the lawn at Hendlip, where Garnet and Oldcorne last set their feet before their removal, “a new and hitherto unknown species of grass grew up into the exact shape of an imperial crown, and remained for a long time without being trodden down by the feet of passengers, or eaten up by the cattle.” It was asserted too, that, immediately after Garnet’s execution, a spring of oil suddenly burst forth at the western end of St. Paul’s, on the spot where the saint was martyred †.

But among these absurd illustrations of the superstition and credulity of the times, the miracle which was most insisted upon as a supernatural confirmation of the Jesuit’s innocence and martyrdom was the story of Father Garnet’s Straw. It is related at great length, and with a full detail of circumstances, by Eudæmon-Joannes, by Father

* Mori Hist. Soc. Jesu. p. 335.

† Bishop Hall’s Sermon before the King, Sep. 19, 1624.

More, and almost all the earlier historians of the English mission. In Spain, a 'Ballad of the Death of Father Garnet,' with the legend and figure of the miraculous straw, was circulated generally through the provinces, and excited so much attention that the English ambassador was directed by James to require its suppression by the Spanish government*. The original fabricator of this miracle was supposed to be one John Wilkinson, a young Catholic, who, at the time of Garnet's trial and execution, was about to pass over into France, to commence his studies at the Jesuits' college at St. Omers. Some time after his arrival there, Wilkinson was attacked by a dangerous disease, from which there was no hope of his recovery; and while in this state he gave utterance to the story, which Eudæmon-Joannes relates in his own words, as follows:—"The day before Father Garnet's execution, my mind was suddenly impressed (as by some external impulse), with a strong desire to witness his death, and to bring home with me some relique of him. I had at that time conceived so certain a persuasion that my desire would be gratified, that I did not for a moment doubt that I should witness some immediate testimony from God in favour of the innocence of his saint; though as often as the idea occurred to my mind, I endeavoured to drive it away, that I might not vainly appear to tempt Providence by looking for a miracle where it was not necessarily to be expected. Early the next morning I betook myself to the place of execution, and, arriving there before any other person, stationed myself close to the scaffold, though I was afterwards somewhat forced from my position as the crowd increased." Having then described the details of the execution, he proceeds thus:—"Garnet's limbs having been divided into four parts, and placed together

* Winwood's Memorials, vol. ii. p. 336.

with the head in a basket, in order that they might be exhibited according to law in some conspicuous place, the crowd began to disperse. I then again approached close to the scaffold, and stood between the cart and the place of execution; and as I lingered in that situation, still burning with the desire of bearing away some relique, that miraculous ear of straw, since so highly celebrated, came, I know not how, into my hand. A considerable quantity of dry straw had been thrown with Garnet's head and quarters from the scaffold into the basket; but whether this ear came into my hand from the scaffold or from the basket, I cannot venture to affirm; this only I can truly say, that a straw of this kind was thrown towards me before it had touched the ground. This straw I afterwards delivered to Mrs. N., a matron of singular Catholic piety, who inclosed it in a bottle, which being rather shorter than the straw, it became slightly bent. A few days afterwards Mrs. N. showed the straw in the bottle to a certain noble person, her intimate acquaintance, who, looking at it attentively, at length said, 'I can see nothing in it but a man's face.' Mrs. N. and myself being astonished at this unexpected exclamation, again and again examined the ear of the straw, and distinctly perceived in it a human countenance, which others also coming in as casual spectators, or expressly called by us as witnesses, also beheld at that time. This is, as God knoweth, the true history of Father Garnet's Straw."

Such is Wilkinson's circumstantial account of the miracle. In those days of ignorance and superstition, when the public mind was in a state of great excitement respecting Garnet, it was a story well calculated to attract attention. Among the lower orders of the people in particular, the prodigy was circulated with much diligence, and believed with

implicit confidence ; while the higher class of Catholics who knew better, or ought to have known better, chose to foster the delusion. The story, which was originally confined to the vulgar, gained ground by frequent repetition, until at last, and within a year from the time of Garnet's death, by that love of the wonderful, and that tendency to exaggeration, which are the natural results of popular ignorance, it was declared, and currently believed, by Catholics both in England and abroad, that an undoubted sign from heaven had been given for the establishment of Garnet's innocence. Crowds of persons of all ranks daily flocked to see the miraculous straw. The Spanish ambassador saw and believed ; and the ambassador from the Archduke, not only saw at the time, but long afterwards testified what he had seen by a written certificate, which is published *verbatim* by Father More*. In process of time the success of the imposture encouraged those who contrived it, or who had an interest in upholding it, to add considerably to the miracle as it was at first promulgated. Wilkinson, and the original observers of the prodigy, merely represented that the appearance of a face was shown on so diminutive a scale, upon the husk or sheath of a single grain, as scarcely to be visible unless specifically pointed out ; but a much more imposing image was afterwards discovered. Two faces appeared upon the middle part of the straw, both surrounded with rays of glory ; the head of the principal figure, which represented Garnet, was encircled with a martyr's crown, and the face of a cherub appeared in the midst of his beard. In this improved state of the miracle, the story was circulated in England, and excited the most profound and universal attention ; and thus depicted, the

* More's Hist. Soc. Jesu, p. 330.

miraculous straw became generally known through out the Christian world. The following representation exactly describe the prodigy in its original and in its improved state. The latter figure formed the frontispiece to the Apology of Eudæmon-Joannes.—





"I had thought (says Bishop Hall in a contemporary letter, alluding to the 'noise which Garnet's

straw had made')—I had thought that our age had too many grey hairs, and with time, experience, and with experience, craft, not to have descried a juggler; but now I see by its simplicity it declines to its second childhood. I only wonder how Fawkes and Catesby escaped the honour of saints and privilege of miracles"

Such, however, was the extent to which this ridiculous fable was believed, and so great was the scandal which it occasioned among the Protestants, that Archbishop Bancroft was commissioned by the Privy Council to call before him such persons as had been most active in propagating it, and, if possible, to detect and punish the impostors.

The archbishop commenced the inquiry in November, 1606, and a great number of persons were examined; but as Wilkinson, who was supposed to be the chief impostor, was abroad, and as the inquiry completely exposed the fraud, though the hand that effected it remained undiscovered, no proceedings seem to have been taken to punish the parties concerned in it. It appeared upon this inquiry, that "Mrs. N., the matron of singular Catholic piety," mentioned with so much parade in the declaration made by Wilkinson at St. Omers, was the wife of one Hugh Griffiths, a tailor, with whom Wilkinson lodged; and the "noble person, her intimate acquaintance," who was supposed to have first seen the face of Garnet in the straw, turned out to be a footman named Laithwaite, in the service of a lady of quality. Griffiths and Laithwaite were separately examined by the archbishop, and varied materially in their accounts of the discovery. The tailor, in his first examination, on the 27th of November, stated that "Wilkinson had brought home the straw from Garnet's execution, and given it to him, and that he had delivered it to his wife, charging her to take great care of it, and to enclose it in something which might prevent the spots of blood upon it from becoming

effaced." He further stated, that his wife, with the assistance of Wilkinson, enclosed it in a glass bottle. He at first said that this was done about nine or ten days after Garnet's execution; but in a subsequent examination, he corrected himself, saying that, upon consideration, he recollected that it was done on the very day on which the execution took place; but that, as Wilkinson lodged in the house for seven weeks afterwards, he might have subsequently had it in his possession. At the time of the enclosure of the straw in the bottle, and for some time afterwards, he said that nothing was seen of the face. Griffiths then went on to depose, "that about the 18th of September, nearly five months after Garnet's death, he was looking attentively at the ear of straw (which he gives no reason for not having done before, except that he had not leisure), and thought he perceived a face depicted on it, which he immediately pointed out to his wife and one Thomas Laithwaite, then present." Laithwaite was then examined, who contradicted Griffiths materially, inasmuch as he claimed for himself the honour of having made the first discovery, which was indeed originally ascribed to him by Wilkinson. "I was one day sitting," says Laithwaite*, "by the fire in Griffith's house, and looking intently at the straw, when I thought I saw a man's head upon it. The day was dark and cloudy, so that, as I sat in the inner part of the room, the appearance was not very distinct; for which reason, I took it to the window, where I discerned the face beyond all doubt. Mrs. Griffiths wondered why I examined the bottle so industriously; upon which I pointed out the face to her, and afterwards to her husband and to Wilkinson. It was visible to all three of them, and all of them declared that they had never seen it before." Previously to the institution of this inquiry, the straw had been withdrawn or de-

* Examination, Dec. 2, 1606.

stroyed; but several persons were examined by the Archbishop of Canterbury who had repeatedly seen it, and were therefore fully capable of describing it. Among these one Robert Barnes, a gentleman of Cambridgeshire, declared*, "that the straw having been shewn to him by Griffith's wife, he had discoursed of it to several persons when walking in St. Paul's, and told them at the time, as his real opinion was, that it seemed to him a thing of no moment; that he saw nothing in the straw but what any painter could readily have drawn there; that he considered it so little like a miracle, that he never asked the woman how it was done. The face," he said, "seemed to him to be described by a hair or some very slender instrument; and that, upon the whole, he saw nothing whatever wonderful in the thing, except that it was possible to draw a man's face so distinctly upon so very small a space." A painter, named Francis Bowen, who had been shewn the straw by Garnet's devoted friend, Anne Vaux, was also examined by the archbishop. He made a drawing of the straw from recollection, upon the margin of the paper which contained his examination, a copy of which drawing was published in Dr. Abbott's Antilogia, from which work the above illustration of it is engraved. Bowen said † "he thought that beyond all doubt a skilful artist might depict upon a straw a human countenance quite as artificially as that which he had seen, and more so; and therefore that he believed it quite possible for an impostor to have fabricated this pretended miracle." With respect to the exaggeration of the miracle after this period, the testimony of Griffiths himself, given in his first examination, is sufficiently conclusive. "As far as I could discover," said he, "the face in the straw was no more like

* Examination, Nov. 27, 1606.

† Examination, Nov. 27, 1606.

Garnet than it was like any other man with a long beard; and truly, I think, that no one can assert that the face was like Garnet, because it was so small; and if any man saith that the head was surrounded with a light, or rays, he saith that which is untrue."

Many other persons were examined, but no distinct evidence could be obtained as to the immediate author of the imposture. It was quite clear, however, that the face might have been described on the straw by Wilkinson, or under his direction, during the interval of many weeks which occurred between the time of Garnet's death and the discovery of the pretended miracle in the tailor's house. At all events, the inquiry had the desired effect of checking the progress of the popular delusion in England; and upon this the Privy Council took no further proceedings against any of the parties, wisely considering that the whole story was far too ridiculous to form the subject of serious prosecution and punishment.

Some apology is perhaps due to the reader for thus bringing forward in the 19th century the idle and foolish delusions of a former age. But the fable of Garnet's Straw is not altogether a useless legend. It illustrates in a remarkable manner the prevalence of gross superstition, not only among the lower orders of Catholics of that day, but also among well-instructed and enlightened Jesuits, such as L'Heureux and Father More. The latter were no doubt influenced by a strong disposition to remove the imputation which Garnet's conviction had thrown upon the sanctity of their order by thus imposing upon the multitude the belief of a Divine interference in his favour; but it is most probable that they were also believers in this miracle. "Credulity and imposture," says Lord Bacon*, "are nearly allied; and a readiness to believe and to deceive are constantly united in the same person."

* De Augmentis Scientiarum.

REMARKS.

The observation which most prominently attracts attention in the trial of Garnet, is the injustice of enforcing against an individual, tried for a specific offence, all the treasons or imputed treasons committed during twelve years, by members of the religious party to which he belonged. The charge against Garnet was, that he promoted the Powder Treason in the reign of James I. ; and, in establishing this proposition, the villanous attempts of Cullen, of Williams, and Yorke, and of Squire, in the reign of Queen Elizabeth, with which it was not pretended that Garnet was concerned, were detailed at great length, and urged upon the attention of the Jury with every circumstance of aggravation. And this was done not only in the opening accusation of the Attorney-General, but the facts of these precedent treasons were successively proved in evidence by the examinations and confessions of the respective parties, drawn, for that purpose, from the archives of the Secretary of State. The Earl of Salisbury indeed says, upon the trial, that the object was not to convict and punish Garnet, but to make a "public and visible anatomy of Popish doctrine and practice." Thus the particular crime of Garnet merely formed the text which was expanded into a large discourse of all the treasons of the Jesuits, with the view of strengthening the hands of Government, and enabling them to carry into execution the measures of severity which they had prepared against the Catholics. For the same purpose, and also in order to excite a particular

prejudice against the prisoner, the history of the treasonable negotiations with the King of Spain, at the end of Elizabeth's reign, which could not be made the subject of prosecution against Garnet, on account of his pardon, was recited and proved as circumstantially as if they had formed part of the charge in the indictment.

The course of examination and evidence, as well as the general conduct of the trial, corresponded in all respects with the practice at that time universally adopted in state prosecutions. The whole evidence against Garnet, as to the Powder Plot, consisted of his own voluntary statements and declarations before the commissioners, and of the confessions of those who had been already executed for the offence with which he was charged; and no single living witness was produced in the course of this voluminous proceeding, excepting the two persons who verified the interlocutions with Hall. With respect to the mode of laying these documents before the Jury, a more than usual unfairness took place on this trial in the selection of passages to be read from the examinations and confessions. Among many instances of a similar kind, an example of peculiar injustice in this respect occurs in the case of a voluntary declaration of Garnet, dated the 13th of March, which is inserted above in the form in which it was read upon the trial. A better illustration of this iniquitous course of proceeding can hardly be found; and we therefore now give the reader the whole declaration from the original, premising that the body of the paper is entirely written by Garnet; but that the letters in the margin distinguishing the paragraphs, and those at the head of the paper pointing out to the officer what he was to read, are in Sir Edward Coke's hand-writing. The passages read on the trial are distinguished by italics:—

A
B
D
F

13^o Martii.

- A ‘ *I have remembered some things, which, because
‘ they were long before my knowledge of the Powder
‘ acts, I had forgotten.*
- B ‘ *About Michaelmas after the King came in, Mr.
‘ Catesby told me that there would be some stirring,
‘ seeing the King kept not promise.*
- C ‘ *And I greatly misliked it, saying it was against
‘ the Pope’s express commandment; for I had a
‘ letter from our General thereof, dated in July be-
‘ fore, wherein was earnestly, by Clement*, com-
‘ manded the very same, which this Pope commanded
‘ the last summer. Therefore I earnestly desired
‘ him that he and Mr. Thomas Winter would not
‘ join with any in such tumults; for in respect of
‘ their often conversation with us, we should be
‘ thought accessory. He assured me he would not.
‘ But neither he told, nor I asked, any particulars.*
- D ‘ *Long after this, about Midsummer was twelve-
‘ month, either Mr. Catesby alone, or he and Thomas
‘ Winter together, insinuated that they had some-
‘ what in hand, and that they would sure prevail.*
- E ‘ *I still reproved them; but they entered into no
‘ particulars.*
- F ‘ *Soon after came Mr. Greenwell (Greenway) to
‘ me, and told me as much.*
- G ‘ *I greatly misliked any stirring, and said, “Good
‘ Lord! how is it possible that God work any good
‘ effect by these men? These are not God’s knights,
‘ but the devil’s knights.” Mr. Greenwell told this
‘ to Thomas Winter, who, about a month after
‘ Michaelmas, came to me and expostulated that I
‘ had so hard a conceit of him, and would never tell
‘ him of it. As for their intermeddling in matters of*

* Pope Clement VIII. died in March, 1605; he was succeeded by Leo XI., who died before he had filled the Papal chair a month. The Pope contemporaneous with the Powder Plot was Paul V.

‘tumults, since I disliked it, he promised they would give over; and I never heard more of it until the question propounded by Mr. Catesby*. As for his asking me of the lawfulness of killing the King, I am sure it was never asked me in my life; and I was always resolute that it was not lawful; but he was so resolved in conscience, that it was lawful in itself to take arms for religion, that no man could dissuade it, but by the Pope’s prohibition, which afterwards I inculcated, as I have said before. The ground of this his resolute opinion I will think of. ‘HENRY GARNET.’

It is clear that the whole of this declaration, taken together, would have been far too favourable to Garnet to be consistent with the case which the Attorney-General meant to lay before the Jury. He therefore made no scruple to read parts of it, as unqualified admissions of Garnet’s conferences with Catesby and Winter about intended tumults, and to omit altogether the statement by which these admissions were qualified and restricted, namely, that on such occasions he invariably discouraged seditious movements to the utmost of his power. This mode of dealing with the admission of an accused person is pure and unmixed injustice; it is, in truth, a forgery of evidence; for when a qualified statement is made, the suppression of the qualification is no less a forgery than if the whole statement had been fabricated.

This practice of falsifying the confessions of accused persons appears to have prevailed to a most unjust extent in the *ore tenus* proceedings in the Star-Chamber, and may have been thence derived into state prosecutions in other courts. By the practice of that court, a party could not be prosecuted, *ore tenus*, by the Attorney-General, except upon his own voluntary confession; and where no confession could

* This was no doubt the question about “nocents” and “innocents.”

be obtained, the prosecution must proceed by the long process of information and answer, and the party accused was at liberty to produce evidence in his defence. It is in this sense that Lord Bacon, in advising the King respecting the prosecution of Peacham, says*, that "the Star-Chamber, without confession, is long seas." From the necessity of a confession to enable the Crown to prosecute in this easy and expeditious manner arose a most grievous abuse. "Therein," says Hudson, in his excellent Treatise on the Star-Chamber, written in the reign of James I., "there is sometimes dangerous excess; for whereas the delinquent confessing the offence *sub modo*, the same is strained against him to his great disadvantage; sometimes many circumstances are pressed, and urged, and aggravated, which are not confessed by the delinquent, which surely ought not to be; for the prosecution being upon his bare confession, nothing ought to be urged but what he did freely confess, and in the same manner. And happy were it if these might be restrained within their limits, for that the course of proceeding is in right of prerogative, and therefore great reason to keep it within the circumference of its own orb." The practice of the court of Star-Chamber here complained of by Hudson is obviously the same kind of abuse of justice which we have above pointed out, and which prevailed universally in state prosecutions previously to the commonwealth.

In many other respects, this trial of Garnet forms a peculiar illustration of the cruelty and injustice of a state prosecution in ancient times; and indeed in those evil days of the administration of justice, few men came to their trial under greater disadvantages than Garnet. He had been examined twenty-three times, as he states, "before the wisest of the realm,"

besides sundry conferences with the Lieutenant of the Tower, which were all recorded against him with ready zeal. The King's humanity, or perhaps his timidity, had indeed saved him from actual torture; but the rack had been threatened by the Commissioners, and it appears from his letters that he was constantly in fear of it. He had literally been surrounded by snares; his confidential conferences with his friend had been insidiously overheard, and, as he said, misunderstood; and it is obvious that the listeners did not hear all, or nearly all that passed. His letters from the Tower had been intercepted, and were in the possession of his accusers, and artifices and threats were alternately employed in order to delude or terrify him into confession. After six weeks' imprisonment, with a weak and decaying body, and with spirits broken by perpetual alarm and anxiety, he was suddenly taken from the solitude of his dungeon, to contend for his life, alone and unassisted, before a crowd of prejudiced and partial auditors, against the most subtle advocate of the time. When these disadvantages are duly considered, it must be confessed that Garnet played his part on the trial with intrepidity and presence of mind. He applied himself to the explanation of the facts objected to him with firmness and moderation; answers sedately and respectfully to the searching question, proposed by the Commissioners, and steadily maintaining the ground upon which he had rested his defence ever since the discoveries induced by means of his conferences with Oldcorne. We search in vain however, in his demeanour on the trial, as well as in his various letters and examinations, for proofs of that intelligence and learning which are ascribed to him by Bellarmine and other writers of his own party.

Before proceeding to the discussion of the great general question involved in this case, it is right to

examine the particular charge formally made against Garnet, and the mode in which the evidence was applied to it. The general point of treason charged in the indictment was that, on the 9th of June, 1605, in the parish of St. Michael, Queenhithe, he had, with Catesby and Greenway, compassed and imagined the death of the King, Queen, and Prince Henry; and the overt act laid was a consultation by him with Greenway and Catesby, on the same day, and at the same place, how to effect that treason, ending in a conclusion and agreement with them to effect it by blowing up the Parliament-House with gunpowder. There is some difficulty in ascertaining from the evidence the exact consultation to which this charge in the indictment was intended to apply, but the date and the place assigned to it seem to make it sufficiently clear that it was pointed to the conversation in which Garnet admitted that Catesby had asked his opinion, in general terms, respecting the lawfulness of a design, in executing which it would be necessary, "together with many nocents, to destroy some innocents." The exact time and place, at which an offence is stated in an indictment to have been committed, are not indeed technically material, and were not considered to be so in the time of Lord Coke; but it has been always usual to state these particulars as nearly as possible according to the fact, and two hundred years ago accuracy in this respect was much more rigidly observed than at the present day. Now the only conference between Garnet, Greenway, and Catesby, to be traced in any of the examinations, to which the time and place mentioned in the indictment at all correspond, is that above alluded to, which Garnet says* took place "on the Saturday after the Utas (or Octave) of Corpus Christi, at his chamber in Thames Street, hard by Queenhithe."

* Examination, 12th March, 1605-6.

The Octave of Corpus Christi, in 1605, was the 8th of June, corresponding nearly to the day named in the indictment, and the situation of his chamber, as described by Garnet, was within the parish of St. Michael, and the ward of Queenhithe, precisely according with the formal description in the indictment. Under these circumstances, and as no allusion is made in any part of the proceedings to any other conference between these parties, about the same time, or at this place, there seems little reason to doubt that the conference mentioned in the indictment, as that at which Garnet had agreed with Greenway and Catesby to the Powder Plot, was the conversation at which Garnet had resolved Catesby's general question. The proposition, therefore, which Sir Edward Coke was bound to establish before the Jury, as the overt act of treason laid in the indictment, was that at or before this conversation the scheme of the Powder Plot was disclosed to Garnet, and that his answer to Catesby's question was given with reference to that scheme. Upon this point there is no evidence but the admissions of Garnet himself; and, unfortunately, the Examinations, of the 8th and 10th of March, which are referred to by several writers, and are mentioned in Sir Edward Coke's Analysis of the proofs as containing Garnet's statements on this subject, are not now extant. It is, however, abundantly clear that he did not, in those Examinations, state that at the time of the conversation with Catesby he knew of the Powder Plot, or that he was then informed of it by Catesby. This is indeed not asserted by Sir Edward Coke, or any other speaker, on the trial, and the whole course of the proceedings appears to negative it; for if Garnet had admitted this fact, it would have been obviously not only equivalent to a confession of the indictment, but would have amounted in effect to an avowal

of his full participation in the plot. On the other hand, he invariably asserted, both in the Examinations, which are still preserved, and also in his defence, and in his speech at the scaffold, that he first heard of the plot from Greenway, about the 26th of July, 1605, and consequently six weeks after the day laid in the indictment. There was, therefore, no direct evidence to show that Garnet, at the time of the conversation charged in the indictment as an overt act of treason, was aware of the Powder Plot, or that Catesby's question was proposed in any other manner than in the general terms described by Garnet; and if the verdict of the Jury was to be strictly applied to the charge, there was nothing to warrant them in finding him guilty of that indictment.

But this, it may be justly said, is a narrow and technical view of the subject. For reasons of political expedience, and quite independently of the general question of the guilt or innocence of the prisoner, it was thought advisable to try him in London; and both Lord Salisbury and Sir Edward Coke stated upon the trial that it was intended as a compliment to the loyalty of the citizens that this exemplary display of Popish treason should be made at Guildhall. The fair question for discussion is whether Garnet was privy to the plot at an earlier period and, morally speaking, to a more criminal extent than he himself chose to avow;—in short, whether he encouraged the conspirators, and contributed his efforts to carry their undertaking to successful conclusion. In truth, this ought to have been the only subject of dispute on the trial; for if Garnet merely knew of the plot, and concealed it without approving or encouraging it, he was guilty of misprision of treason only; but if he not only concealed, but approved it, and assisted or encouraged the perpetrators, he was guilty of high treason. It was for the jury to decide, upon a con-

sideration of all the circumstances of the case, and particularly of the admissions of the accused, which of these offences he had committed.

The general question of Garnet's *moral* guilt has been the subject of warm discussion at various times during the last two centuries. Those who have debated this matter since the trial have undoubtedly far better means of forming an accurate judgment upon it than the Court or Jury upon the trial, in consequence of the important evidence obtained by means of Garnet's confessions after the close of the judicial proceedings. In the course of the year after his execution the question arose incidentally in the course of the controversy respecting the new oath of allegiance imposed by the Statute 3 Jac. I. cap. 4. The King having, in his 'Apologie for the Oath of Allegiance,' asserted that Garnet, "the leader of the band of Jesuits in England," had died, acknowledging his privity to the plot by other means than sacramental confession, was indignantly contradicted by Bellarmine, who, under the assumed name of Matthæus Tortus, published an Answer to the King's 'Apologie.' Launcelot Andrews, Bishop of Chichester, replied to this work of Bellarmine by an extremely acute and powerful pamphlet, entitled 'Tortura Torti,' in which the question respecting the manner and extent of Garnet's acquaintance with the plot is fully and ably argued. James also noticed Bellarmine's work in a 'Præmonition to all Christian Princes,' prefixed to a revised edition of his 'Apologie.' Upon this, Bellarmine wrote an 'Apology for his Answer to the Book of King James 1' in which he re-asserted Garnet's innocence of any criminal participation in the plot. In the year 1610 a work appeared, entitled 'An Apology for the most Reverend Father Henry Garnet against the charge of Sir Edward Coke,' written by a person who assumed the name of Eudæ-

mon-Joannes, and described himself as a Cretan Jesuit; but who was supposed by contemporaries to be one of the expatriated English missionaries. It is, however, sufficiently ascertained that the real name of the author of the several works published under the title of Eudæmon-Joannes was L'Heureux. He was a native of Candia, and a Jesuit of high reputation for learning, who taught theology at the university of Padua, and was appointed by Pope Urban VIII. Rector of the Greek College at Rome. He was also commissioned by the same Pope to attend Cardinal Barberini, when he went as Legate to Paris*. The book of Eudæmon-Joannes was adroitly and plausibly written, and excited so strong a sensation throughout Europe in favour of Garnet, that James considered it absolutely necessary to provide some antidote to the poison. He therefore employed the celebrated Isaac Casaubon, whom he had about that time invited to England, to refute the Jesuit's arguments, and supplied him with all the confessions and declarations of the conspirators, and of Garnet himself, together with various other documents necessary for the purpose. Casaubon executed the duty imposed upon him with a degree of skill and candour worthy of his enlightened character; and his 'Epistle to Fronto Ducæus,' which appeared in 1611, is unquestionably one of the best works which were published on the subject. Eudæmon-Joannes, in 1612, wrote an answer to Casaubon, by no means equal to his first work and easily to be refuted by those who had access to the evidence possessed by the English government. Still the impression produced upon the public mind by the arguments of Eudæmon-Joannes in his first work was not entirely removed: Catholic writers continued to refer to it as a triumphant and incontrovertible demonstration of Garnet's inno-

* Biographie Universelle, titre L'Heureux.

cence; while the inaccurate and imperfect narration of the proceedings on his trial led to abundant false reasoning upon the subject. In this state of the controversy, Dr. Robert Abbott, the brother of the Archbishop of Canterbury, a man of the highest reputation for talents and learning*, but a fierce adversary of popery, and, from his controversies with Bellarmine and the Arminians, denominated *Malleus Papismi et Arminianismi*, published his celebrated '*Antilogia adversus Apologiam Andreae Eudæmon Joannis.*' It is manifest, from the contents of this work, that, during its composition, Dr. Abbott had free access to all the documentary evidence against Garnet which was in the possession of the government. This he would readily obtain through his brother the Archbishop of Canterbury; and, indeed, there is a memorandum still existing in the State-Paper Office, which records that, on the 9th of October, 1612, a great number of the documents relating to the plot, together with the '*Treatise of Equivocation*' found in Tresham's desk, were delivered to the Archbishop of Canterbury, and that, on the 1st of July, 1614, they were again returned by him to their

* Dr. Abbott is thus mentioned by Wood, in his *Athenæ Oxonienses*:—"In the beginning of the reign of James I. he was made chaplain in ordinary to him; in the year 1609 he was unanimously elected Master of Baliol College, and in the beginning of November, 1610, he was made Prebendary of Normarton, in the church of Southwell. In 1612 he was appointed doctor of the theological chair, usually called the King's professor of divinity, by his Majesty; and in 1615 he was nominated by him to be Bishop of Salisbury; merely, as 'tis said, for his incomparable lectures, read in the Divinity School, concerning the King's supreme power, against Bellarmine and Suarez, and for his *Antilogia*, which he a little before had published. He was a person of unblameable life and conversation, a profound divine, most admirably well read in the fathers, councils, and schoolmen, and a more moderate Calvinian than either of his two predecessors (Holland and Humphrey) in the Divinity chair were."

proper depository. During this interval of time, the 'Antilogia' was composed and published; and in consequence of the vast body of evidence it contains, drawn from the original materials supplied by the Government, as well as the powerful reasoning of the author, it is, beyond all comparison, the most important work which appeared in the course of the controversy. It abounds in the scurrilous language so common in the political and religious disputes of that time, and contains incredible stories of Garnet's personal immoralities; but it is peculiarly valuable at the present day in assisting us to form an accurate judgment upon the main subject of the controversy, because it gives the substance of much documentary evidence not now to be found, and removes many doubts and fills up many chasms in the history of the transaction. The English writers, Bishop Andrews and Dr. Abbott, as well as Casaubon, possessed a great advantage over their foreign adversaries, in the facilities they had of using the whole evidence which had been obtained on the subject; whereas, Bellarmine and Eudæmon-Joannes were obliged to found their defence of Garnet on the facts contained in the imperfect report of the trial as published by authority.

In 1678 the celebrated Popish Plot again excited a fierce controversy between the Catholics and Protestants; in the course of which the Bishop of Lincoln republished the papers respecting the Gunpowder Plot, printed by authority of James I., at the time of the discovery of the conspiracy, and appended to them a number of letters written by Sir Everard Digby from the Tower, then lately discovered, and which are not only extremely interesting, but throw much light upon this question. Dr. Williams, an acute and sensible writer, also published at this time a 'History of the Gunpowder Treason,' and in reply to certain strictures upon his account of the facts,

afterwards wrote a Vindication of it, which contains many powerful remarks upon the subject of Garnet's implication in the plot. It is clear, however, that Dr. Williams had not access to the original documents, not only from the contents of his pamphlets, but from a summary of his authorities given at the end of his Vindication. At this latter period Garnet's full implication in the Gunpowder Plot was generally assumed by Protestant writers, and was repeatedly referred to as proving the dangerous principles of the Jesuits.

In more recent times, the great question of Catholic emancipation once more raised up the spirit of controversy respecting Garnet, and his connexion with the Powder Plot, and Mr. Butler's remarks on the subject in his 'Memoirs of the English Catholics,' which, though partial and superficial in the extreme, had, at least, the merit of being temperate, called forth warm and animated replies from Mr. Townsend, and various other writers of less eminence and ability. Two causes have invariably operated in the controversies on this subject to impede the successful investigation of the truth; the first is the prevalence of a violent party spirit, stimulated by the peculiar circumstances of the periods in which the debates have arisen; and secondly, the very imperfect knowledge of facts upon which the arguments on both sides have generally proceeded. In 1678, as well as in the earlier controversy, the evidence which formed the basis of the reasoning on the Jesuits' side consisted of nothing more than so much as the government had thought proper to publish in the 'Discourse of the Manner of the Discovery of the Gunpowder Plot,' and in the meagre reports of the trials; and though, in later times, original materials have been referred to, which might, if impartially used, have gone far to set the question at rest for ever, they have been

so distorted and misapplied by party spirit and prejudice, and the discussion has been conducted so much more in the spirit of political rancour than of candid inquiry, that the only result has been to widen the unfortunate breach which had so long existed between the Catholic and the Protestant, without advancing a step towards the solution of the historical difficulties. It is most absurd and unjust to argue, because a particular Jesuit, two hundred years ago, followed his pernicious principles into a wicked course of action, that therefore the principles and doctrines of Catholics at the present day must be practically opposed to morality and good government. Garnet's most obnoxious and dangerous opinions were the opinions of a section only of those who professed the Roman Catholic religion: they were not sanctioned generally even by the Jesuits of his day, but were maintained and encouraged only by the most fanatical and extravagant casuists of that party. In the writings of several learned Jesuits in the seventeenth century, there are no traces of such extreme opinions; within fifty years after Garnet's time they were ridiculed and refuted in the *Lettres Provinciales* of Pascal, who was a conscientious Catholic; they were disclaimed as doctrines of the Church of Rome, in the most solemn manner, by the unfortunate Lord Stafford*, who was also a conscientious Catholic; and in the doctrinal works of Catholic divines in our own times they are universally disavowed and condemned. If it be unfair and unreasonable to impute to modern Catholics the false and mischievous *opinions* of Garnet, it is still more manifestly unjust to make them responsible for his *particular crimes*, unless it could be shown that they entertain his opinions, and also that such crimes are their natural and probable result.

* Howell's State Trials, vol. vii. p. 1357.

No good reason can be assigned, therefore, why the question of Garnet's participation in the Powder Treason should not be discussed with the same calmness and with the same indifference as to the issue of the reasoning as we bring to the investigation of any other historical fact. The problem of his delinquency or innocence can be of no practical importance at the present day; and the best chance of solving it will be by laying aside all party considerations, and temperately and critically weighing the evidence.

The substance of Garnet's justification, as pleaded by himself and his apologists, was, that he had only heard of the plot from Greenway, under the seal of sacramental confession; so that, in religion and conscience, his lips were entirely closed. Though precluded from disclosing the secret in any manner by a solemn sacrament, he represented, as his defence and excuse, that he abhorred the design of the Powder Treason, and endeavoured to prevent its execution to the utmost of his power. This, therefore, is Garnet's case on the trial of his character by posterity: it may not be altogether an unprofitable employment to consider the facts and arguments by which it is supported.

With reference to his alleged obligation to secrecy on religious grounds, it may be admitted, *in limine*, that if the facts were as Garnet represented them, and if he actually received his knowledge of the plot under the seal of sacramental confession, he was required by the more rigid doctrines of the order to which he belonged, not to reveal to any third person the important secret which had been communicated to him. This question is discussed by Martin Delrius, or Delrio, a learned Jesuit, contemporary with the Powder Plot, in his '*Disquisitiones Magicæ*;' and it is a singular circumstance, that in this treatise, which was first published in 1600, and consequently

several years before the actual occurrence of the plot, the very case of a gunpowder conspiracy is put as an illustration of the writer's argument. "There have been some jurists," says Delrius*, "who have given it as their opinion, that with respect to crimes about to be committed, if the person confessing refuses to abandon his criminal purpose, and determines to persevere, it is lawful for the confessor to disclose them for the purpose of prevention; but this is a dangerous doctrine, and deters men from confession. The supporters of this doctrine may be right, if they limit it to the case of a person, who comes to his confessor with the pretence only of making his confession, and in reality with the intention of obtaining advice or of deceiving the confessor, or perhaps even of drawing him into a participation of his crime; for this is not a real sacramental confession, nor indeed is the matter in such cases confided under the seal of confession at all. But where a person comes with a sincere intention to confess and obtain absolution, and thus opens his mind under the protection of the seal of confession, unquestionably the general doctrine, that it is not lawful to disclose the secret, though it amount to treason against the state, must be adhered to; and this doctrine is confirmed by the authority of a majority of jurists and divines. They limit it, however, in the first place, to the case of a true confession; and they admit, that the priest may strongly admonish the persons confessing to abstain from their criminal enterprise, and, if this produce no effect, may suggest to the bishop, or the civil magistrate, to look carefully for the wolf among their flock, and to guard narrowly the state, or give such other hints as may prevent mischief without revealing the particular confession. They add a second limitation, namely, that where the penitent has accomplices, and he himself is brought to repent of his design, and promises

* *Disquis. Mag.*, lib. vi. p. 7. Edit. Venet. 1615.

amendment, but a danger arises that the crime may be perpetrated by others, it is lawful for the confessor to prevent mischief by revealing the secret, even without the consent of the person confessing. Both these limitations depend upon this question,—can a priest in any circumstances make use of the knowledge which he has obtained by means of confession to avert imminent mischief to the state? For instance, a criminal confesses that he or some other person *has placed gunpowder or other combustible matter under a certain house; and that unless this is removed, the house will inevitably be blown up, the sovereign killed, and as many as go into or out of the city be destroyed or brought into great danger,*—in such a case, almost all the learned doctors, with few exceptions, assert that the confessor may reveal it, if he take due care that, neither directly or indirectly, he draws into suspicion the particular offence of the person confessing. But the contrary opinion is the safer and better doctrine, and more consistent with religion and with the reverence due to the holy rite of confession.”

This passage is inserted at length, because it contains the most strenuous doctrine to be found in the writings of the Jesuits on this subject; and also because part of the doctrine it inculcates, respecting concealing confessions, seems to bear a great resemblance to the line of conduct which, according to his own statement, Garnet adopted. It is natural to suppose that a contemporary treatise, upon a subject of doctrine, written by a Jesuit, would be in his hands; it is probable, indeed, that Delrius's book was, at this time, well known to the English Catholics; and Sir Everard Digby possibly referred to it in his letter to his wife, when he says, “I saw the principal point of the case (the lawfulness of the plot), judged in a Latin book of M. D. (Martin Delrius)*.”

* Digby's Letters, appended to the 'History of the Gunpowder Plot,' p. 249 Edit. 1679.

It must here be observed, that this opinion of Delrius was by no means the common doctrine of the Jesuits of that day, but appears to have been one of those rigorous and extravagant tenets which were professed by the most fanatical of their party. Bellarmine himself expressly admits* that "if the person confessing be concealed, it is lawful for a priest to break the seal of confession, in order to avert a great calamity." But he excuses Garnet by saying, that it was not lawful for him to declare a treasonable secret to an heretical king, who had no reverence for the sacrament of confession, and who would have constrained him by tortures to declare the person who had confessed the criminal design. The obvious objection to this apology in the case of Garnet, is, that it is not the excuse which he ever pretended to make for himself,—a remark which will be found to apply very generally to the arguments and answers which, since his death, have been devised by the ingenuity of his apologists. It is hardly to be conceived, that, if the facts upon which such arguments and answers are founded were true, they would have been omitted by the person who was most intimately concerned in them, and who certainly was wanting neither in ability or courage to use such weapons as he really had at his disposal.

It is, however, not to be doubted, that at this period very rigorous doctrines upon the subject of confession prevailed among the Jesuits. Casaubon relates, that, a few days after the assassination of Henry IV., he conversed with a Catholic theologian, named Binet, in the Royal Library at Paris, upon the subject of Garnet's punishment. In the warmth of discussion, Binet exclaimed, that "it was better that all the kings of the earth should perish than that the seal of confession should once be

* *Apologia pro Responsione, &c.*, cap. xiii. 178-9.

broken; for," added he, "kingly government is a matter of human law, but the sacrament of confession is an institution of God*." Admitting it, therefore, to be not impossible that Garnet may have entertained a sincere opinion that he ought not to reveal the facts which Greenway had stated to him, and which had been obtained from Catesby under the seal of confession, let us next consider whether this was really the only channel by which he had specific notice of the existence of the plot; or whether he did not derive his knowledge of the design of the conspirators by means, and under circumstances, which he must have known left him at perfect liberty to disclose the secret if he had really wished to do so.

In the first place, that Garnet had some general knowledge of the plot from Catesby, which he thought himself criminal in not revealing to the government, and which could not, therefore, have been derived in confession, is quite evident from his own direct admissions. In his letter to the King † on the 4th of April, he "acknowledges himself to be highly guilty, and to have offended God, as well as the King's Majesty and the state, in not having revealed the general knowledge of Catesby's intention which he had by him." He makes the same admission in his last moments upon the scaffold, saying, "that he had only a general knowledge of the plot by Catesby, and had offended in that he disclosed it not, nor took means to prevent it;—what he knew of particulars was in confession." It is clear, therefore, by these admissions, that he did know of the plot generally by other means than confession; and also that he obtained his knowledge in such a manner as left him at liberty to reveal it,—nay, in such a manner as not only justified him in revealing it, but made his con-

* Epist. ad Front. Duc., p. 109.

† State-Paper Office, see *ante*, p. 323.

duct, in omitting to do so, "highly guilty" and offensive to God, even in his own estimation. The only reason he gives for not having disclosed his "general knowledge," as he terms it, is that he concealed it "partly upon hope of prevention, and partly because he would not betray his friends," without at all alluding to any excuse on the ground of sacramental confession. The reader will have to judge, upon the remarks which we shall presently make upon this part of the subject, and the due consideration of all the ascertained facts, how far it is probable that these could really be the motives of his silence.

Again, much discredit is thrown upon Garnet's declaration, that the communication of the plot was made to him under the seal of sacramental confession, by the inconsistency and vacillation of his own answers on the subject. In all his examinations previously to the trial he constantly and unhesitatingly asserts that Greenway told him the matter in confession. After the trial, on being falsely informed that Greenway was apprehended, he at once perceives the danger of a discrepancy in their statements, and then relaxes the firmness of his previous assertions, saying, "that he cannot certainly affirm that Greenway intended to relate the matter to him under the seal of confession; *and it might be that such was not his intention*, though he (Garnet) always supposed that it was*." Being afterwards required, by the Lords Commissioners, to state plainly whether "he took Greenway's discovery to be in confession or no?" He answered, "that it *was not in confession, but by way of confession*†." Lastly, having

* Garnet's Letter to the Fathers and Brethren on Palm-Sunday; also his Letter to the King, April 6, 1606, as cited in Abbott's Antilogia, p. 140.

† Garnet's Examination, April 25. State-Paper Office, *ante* p. 334.

confessed that he conferred with Greenway frequently of the project, and asked him about it "as often as they met," he was reminded that, at all events, these later conferences could not be in confession; upon which he endeavours to escape from the difficulty, by saying, "that all these later conferences *had relation* to the first, and consequently to confession*."

Here, then, are several different representations of a fact, which must have been known to himself with the utmost precision. At first "he heard it in confession;" then he "*supposed* it to be in confession, but Greenway may not have so understood it;" afterwards "it was not in confession, but *by way of* confession;" and finally, "it was told at various times, but always *with relation* to confession." It seems impossible that there could be a shadow of doubt in Garnet's mind, whether Greenway told him the matter in confession or not. Neither of them were profound theologians; but confession was a formal sacrament of their church, daily performed, and therefore perfectly understood by both of them, and it is quite inconceivable that they should have mistaken the transaction, if any thing of the kind had really taken place. As there could be no mistake, the shifting and inconsistent statements of Garnet are only to be accounted for upon the supposition that he was not relating the simple truth; indeed, such palpable variations of statement, with the changing circumstances of the mind of the examinee, are usually the certain indications of falsehood.

Let us next consider how far it is ascertained by the undoubted facts of the transaction, that this communication to Garnet from Greenway or from Catesby was made under the seal of confession, in such a manner as to oblige him, in duty and conscience, to secrecy. According to the most rigid

* Abbott's Antilogia, p. 140

doctrines of the Jesuits respecting confession, it is quite clear that the confession, in order to bind the lips of the priest, must be sacramental;—it must be a religious and spiritual ceremony, under the sanction of which the penitent confesses his sins, with a view to obtain absolution for the benefit of his soul, without reference to worldly considerations. He must charge himself with some particular sins committed by him, for which he seeks to quiet his conscience, and for that purpose opens his mind to his spiritual adviser, in order to obtain reconciliation with God. In this manner he is considered to speak to God only; and for this reason, what he says in this sacred confidence is not to be divulged to man. This is the principle of sacramental confession; and it is to such a confession alone that all Catholic theologians apply the inviolable seal of secrecy, and declare the breach of it by the priest to be a crime*. But in the case of Greenway, who is represented by Garnet to have made this disclosure to him in confession, there was no self-accusation—no consciousness of sin—no penitence. Whatever may have been the case with Garnet, it is obvious that Greenway at least did not discourage this wicked enterprise; on the contrary, he told Bates before it was discovered, that “it was a good cause, and no offence to conceal it;” and after the discovery of the plot, he rode up and down the country, from Coughton to Huddington, and from Huddington to Hendlip, and thence again into Lancashire, doing all he could to promote

* “*Ut confessio pars est sacramenti, necessaria ad eam conditio est ut sit accusans, non quasi historiam aliquam aut fabulam narres, sed cum detestatione aliquâ, teque profitearis reum in illo foro esse.*” Greg. de Valence, tom. iv. Disput. 7, Quæst. 11. “*Nam sumit initium ex horrore turpitudinis peccati, et progreditur ad dolorem de commisso peccato.*” Thom. Aquinas, Supplement, 9 Art.

an insurrection of the Catholics. All the circumstances of his communications with Garnet, upon this subject, were as unlike sacramental confession, or any other religious rite, as can be conceived. He made them, not kneeling in the usual manner of confession, but "walking about." Garnet "asked him about the matter," as often as they met,—sometimes inquiring how the plot in general went on, and at other times, "who was to be chosen Protector when the King and the Houses of Parliament were destroyed*." All this was mere temporal conversation and conference, not spiritual confession; and the Jesuit writers are unanimous, that though a priest may, in the first instance, have obtained his knowledge of criminal facts by confession, yet if he afterwards hears of them out of confession, from any quarter whatsoever, or even in ordinary conversation from the penitent himself, the seal of secrecy is removed, and he is at full liberty to disclose them. This doctrine is declared by Soto†, Delrius, and all the Catholic theologians, contemporary with Garnet, as well as by Mediavilla and others of a more ancient date. Garnet could not have been ignorant of this doctrine: brought up in the Jesuits' College at Rome, familiar with the works of the divines of his own religion, and himself the Superior of the Jesuits in England for twenty years, it is wholly incredible that he should not have known that, assuming the facts of Greenway's communications with him to have been as described by himself, he was altogether absolved from the seal of confession, if it had ever applied. At all events, even if he had conceived that the point was not clearly ascertained—that it was *verata quæstio* among divines of his own school, a truly religious and humane man

* Garnet's Examination, 25th April. State-Paper Office.

† "De ratione tegendi et detegendi secretum."

who really abhorred the design, would unquestionably have leaned to such an interpretation of a doubtful law as would have enabled him to prevent an act of such injustice and cruelty.

But supposing that Garnet really entertained scruples of conscience on the point, there was another mode by which, if he had sincerely wished to prevent the execution of the plot, he might have done so without violating the confidence of the confessional. It is declared by the best Jesuit authorities in matters of doctrine, and is admitted by Bellarmine, in a passage above cited, that in order to avoid an imminent danger, it is not only lawful for a confessor, but his bounden duty, if he take care not to bring the penitent into question, to adopt every precaution, and to use his utmost diligence to prevent the criminal intention revealed to him from being carried into execution. One authority says, that "a priest in such circumstances should signify to the person who is the object of the intended mischief, to be on his guard." Another writer advises a confessor, "when the danger disclosed to him threatens the state, to admonish those who are in authority to be cautious in a particular place and at a particular time." A third says, "he ought to prevent the mischief to the utmost of his power; he should incite the citizens to take care of their city, and to do every thing he can to defeat the intended treason." The illustrations given by these writers, though sufficiently vague and indefinite, all point to a doctrine, which is perfectly intelligible, namely, that it behoves a priest who hears of an intended crime in confession to use every means in his power, without discovering the individual, to prevent its actual commission. What then did Garnet do, in order to prevent the perpetration of a crime which he says he abhorred? He says, indeed, that "both he and Greenway conspired to hinder it;

that he never allowed it, and sought to hinder it, more than men could imagine, as the Pope would tell*." This reference to the Pope is quite unintelligible, unless it alludes to the letter which will be presently mentioned; and it is certain, that no declaration of any kind was ever made by the Pope, which could have the effect of proving that Garnet had made any communication to his Holiness, with the view of preventing the execution of the plot. The only act which Garnet ever pretends to have performed, in order to hinder it, was soliciting from the Pope a prohibition of all tumults among Catholics under ecclesiastical censures. The letter containing this application was first published in 1610 by Eudæmon-Joannes †; who gives no account of the original or the mode in which he found it. In this letter, Garnet, after acknowledging the receipt of Aquaviva's letters, which contained strong exhortations to him to employ all his influence with the English Catholics to restrain them from violent measures, and informed him that the Pope had commanded all Catholics to desist from all hostile designs against the government, proceeds thus: "I have myself already thrice prevented tumults; and I doubt not to stay all open preparations for violence, as I am satisfied that, without urgent necessity, few Catholics will attempt any thing of this kind without my consent. There are, however, two things which keep me in great anxiety: the first is, a fear that individuals may take arms in some one province, and thus others may be compelled by necessity to follow the same course. For there are not a few who are not to be restrained by the mere command of his Holiness: they ventured to ask, while Pope Clement was alive, whether the Pope had power to restrict them from defending their

* Autograph letter to Anne Vaux, April 3.

† Apologia, p. 253.

lives ; they say, moreover, that none of their elders are privy to their secret intentions, and even some of my own friends complain of me by name, because I have placed a bar against the designs of such men. In order to quiet such persons, and at least gain time, so that by some delay a fitting remedy may be applied, I have exhorted them to agree to send an envoy to his Holiness. This has been done ; and I have directed him to the Nuncio in Flanders, to be accredited by him to the Pope, having also written letters by him, in which I have explained the opinions of the discontented, and the arguments used on both sides. These letters were written very fully and in detail, as I know they will be safely delivered. So much for the first danger ; the second is somewhat worse, because *it is a danger of some treason or violence privately offered to the King*, by which all Catholics would be compelled to take arms. Wherefore, in my judgment, two things are necessary ; first, that his Holiness should prescribe what shall be done in either case ; and secondly, *that he should prohibit Catholics, under censures, from taking arms*, and this by a breve publicly proclaimed, the opportunity for which might be given by the tumult lately raised in Wales which has now fallen to nothing. It now only remains for me to beseech his Holiness (since things daily grow worse with us) to provide as soon as possible some remedy for these dangers.*

This letter * is dated the 24th of July, 1605 ; and,

* It has been strongly urged by Dr. Abbott that this letter is a forgery, or, at all events, that a false date has been assigned to it by Eudæmon-Joannes. This suggestion might be dismissed as a mere conjecture, unsupported by evidence, were it not for a suspicious anachronism which is to be found in it. The letter, which is dated the 24th of July, 1605, states that Sir Edmund Baynham had been at that time actually despatched to Flanders on his way

if Garnet's own account is to be relied upon, it was written about the time that Greenway informed him of the Powder Plot, the date of which communication he fixes to have been a few days before the 25th of July*. Assuming his own account of dates, therefore, to be correct, and also assuming this letter to be genuine, we have here the communication made by him to the Superior of his order at the very point of time when the nature of the conspiracy had been first revealed to him. But the letter indicates none of that perturbation of mind which Garnet declared he felt upon his first acquaintance with the project; there is no urgency or earnestness in enforcing his application to the pontiff for the means of staying the commission of an enormous crime, which, if perpetrated, must render the very name of Catholic execrable—no vivid representation of a horrible calamity, threatening the extirpation of the royal family, and the ruin of the kingdom, and only to be averted by the Pope's interference—nothing, in short, is suggested which was likely to have the effect of inducing the Pope to interfere in the extraordinary manner which the letter affected to require. Whether therefore this letter was sincerely intended by Garnet to procure a total overthrow of the plot by the Pope's interference, or whether the object was

to Rome; whereas it is clear, from all the evidence, and from Garnet's statements in particular, that the proposal to send Baynham was not made till some time afterwards, and that he did not leave England until the following September, (Garnet's Confession, February 20, 1605-6, in Abbott's *Antilogia*, p. 141). Besides, Fawkes gives a reason for the mission of Baynham quite inconsistent with the date of the letter, namely, that he was sent to the Pope, "to the end he might be there in readiness, and the Pope to be by him acquainted with the successes to be prepared for the relief of the Catholics, after the project of the powder had taken effect." Fawkes's Examination, January 9, 1605-6.

* Garnet's Examination, March 12, 1605. State-Paper Office.

to forward the determination which Fawkes declared* had been formed by the conspirators from the commencement, namely, the discouragement of all minor plots which might thwart the execution of the great design, must be left to the judgment of the reader. At all events, it is certain either that the Pope never received the letter, or that he did not think the communication sufficiently urgent to induce him to interfere in the manner proposed. If it was a genuine letter, and actually received by the Pope, the requisition of a prohibition would not of course be granted before the arrival of Baynham with the fuller and more complete information announced by this communication, and Baynham was not despatched until September, when it was too late to render the Pope's interference available for preventing the catastrophe.

But the inquiry naturally suggests itself, why should Garnet, in a case of such urgency, have written to Rome at all for a prohibition? He was himself Superior of the Jesuits in England, and, as Lord Salisbury said, "the pillar and oracle of their order;" by his own authority, especially armed, as he says he was, by the mandate of the Father-General, to forbid all risings among the Catholics, he might have issued a command that all plots and designs against the King should be abandoned, which would have been respected and obeyed by all the English Catholics, or at least by all attached to the Jesuit party. He had power to require a cessation of all such designs, under the severest penalties; the orders of the General were, by the express rules of the society, to be respected as the injunctions of Christ himself, and the close subjection of the subordinates to the superiors of the Jesuits in those times renders it morally certain that Garnet's mandate for the sup-

* Fawkes's Examination, November 7, 1605. State-Paper Office.

pression of the plot would have been religiously obeyed. There is, however, a piece of evidence in a letter of Digby to his wife, from the Tower, published in 1679, which clearly shows that, notwithstanding the general prohibition of the Pope, which Garnet says he so frequently objected to Catesby and others, he had no intention to prevent designs against the state, provided they were undertaken for the promotion of the Catholic religion. Sir Everard Digby had scruples upon this very point, and hesitated to join in any insurrection in opposition to the declared wishes of the Pope. "Before I knew any thing of the plot," says he, "I did ask Mr. Farmer (Garnet) what the meaning of the Pope's brief was; he told me, that they were not (meaning priests) to undertake or procure stirs; but yet they would not hinder any, neither was it the Pope's mind they should, that should be undertaken for the Catholic good*."

There is another shaft, drawn likewise from the quiver of a friend, and aimed at a very different object, which falls most heavily against Garnet. An extract from a letter written by him to Father Parsons at Rome, on the 4th of September, 1605, immediately before the pilgrimage to St. Winifred's Well, is published by Eudæmon-Joannes, for the purpose of showing that Garnet was not then acquainted with the plot. Much of that writer's apology for Garnet is founded upon the assumption that he was not informed by Greenway of the plot until after the prorogation of Parliament from the 3d of October to the 5th of November. In this he is supported by Greenway's 'Narrative,' and is followed, in modern times, by Dr. Lingard, who assigns so late a date

* Letters of Digby, at the end of the 'History of the Manner of the Discovery of the Gunpowder Plot,' p. 178. Edit. 1678. Farmer was one of the names used by Garnet, and by which he was indicted. See *ante*, p. 239.

to the communication as the 21st or 22d of October, and builds much of his ingenious and interesting defence of Garnet upon this fallacy. Greenway must, in this instance, have stated what he knew to be false, with the intention of deceiving those who required him to write his account of the transaction, and in ignorance of the large admissions made by Garnet respecting his knowledge of the plot at a much earlier period. Eudæmon-Joannes and Dr. Lingard were misled by Greenway, and also deceived by Garnet's letter above alluded to. The extract from Garnet's letter to Parsons is as follows: "As far as I can now see, the minds of the Catholics are quieted, and they are now determined to bear with patience the troubles of persecution for the time to come; not indeed without hope that either the King himself, or at least his son, will grant some relief to their oppressions. In the mean time the number of Catholics is much increased; and I hope that my present journey, which, God willing, I mean to commence to-morrow, will not be without good effect upon the Catholic cause." Eudæmon-Joannes could know nothing of what Garnet had confessed, excepting so much as appeared from the imperfect report of his trial; and to him the letter naturally appeared to prove the fact of Garnet's ignorance of the plot at the time it was written. But by those who know that, for many months before the date of this letter, Garnet was acquainted with the plot by Greenway*,—that he was fully aware of the perseverance of the conspirators in their scheme, as he asked Greenway about it as often as he saw him,—that at the moment he wrote this letter he was on the point of starting upon a pilgrimage with several of the sworn conspirators, this letter must be considered as supplying convincing and fatal evidence against Garnet. It shows to de-

* See Garnet's Confession, March 12, *ante*, p. 275.

monstration, that within a few weeks before the intended meeting of Parliament, when the blow was to be struck, Garnet was wilfully deceiving Parsons, and through him the Pope, as to the disposition of the English Catholics; and that, so far from endeavouring to procure a prohibition from the Pope to prevent the execution of the plot, he was persuading the authorities at Rome into a belief that all interference on their part had become unnecessary, and that all previous representations to the contrary (if such were ever made) were to be considered as withdrawn. He might be bound, if his story were true, by a supposed religious duty not to reveal the particular scheme; attachment to his friends and disciples might induce him to suppress the truth, and to forbear to mention their names or their particular treason even to Parsons or the Pope; but no motive but a desire to promote their purposes, by absolutely preventing any interference from Rome, could have led him thus to suggest a falsehood—"to speak peace when there was no peace;" to talk of the patience and quietness of the Catholics, and of their hopes from the King and his son, when he knew that within two months from the date of his letter, a party among them, in the rage of despair, were about to execute the most savage vengeance upon the King and the Protestant party which the heart of man ever devised.

An excellent test of truth, which is frequently applied in the administration of justice, may with great advantage be employed upon this subject; namely, a comparison of the undoubted and indisputable facts and dates of the transaction with the account which the accused party gives of his own motives and conduct. "It is a good safe rule," says a profound master* of the science and practice of judicial

* Lord Stowell. See his judgment in the case of *Evans v. Evans*. Haggard's Consistory Reports, vol. i. p. 41.

evidence, "in weighing evidence of a fact, which you cannot compare with other evidence of the same fact, to compare it with the actual conduct of the persons who describe it. If their conduct is clearly such as upon their own showing it would not have been, taking the fact in the way in which they have represented it, it is a pretty fair inference that the fact did not so happen. If their actings, at the very time the fact happens, represent it in one way and their relation of it represents it in another, why there can be no doubt which is the authentic narrative—which is the naked truth of the transaction." It is obvious that this rule applies with precisely the same force to a comparison of the representations of one person with the actions of others, or with the acknowledged circumstances of a transaction to which the representations relate; for instance, where an individual states that he did certain acts in conjunction with other persons, or gave them certain advice, if it can be shown satisfactorily that the conduct of those persons has not been such as it must necessarily have been, or that the other circumstances of the transactions have not been such as they must have been if those acts had really been done, or that advice had in fact been given, it is a reasonable conclusion that the statements made are false. And surely if this comparison of statement with conduct is a valuable means of estimating testimony in judicial investigations at the present day, when there is usually a fair presumption that a witness is speaking the truth, it must be doubly valuable when applied to the statements of those who not only practised, but avowed and justified, as a laudable and moral principle, equivocation, evasion, falsehood, and even perjury to God, when committed by an individual in order to defeat a criminal charge made against him*

* See Garnet's Confession, *ante*, p. 325.

Let us then apply this rule to the statements of Garnet and his own conduct, and also that of others to whom those statements refer. He asserts that he knew nothing of the plot until he heard it from Greenway in confession, in July, 1605—that he always abhorred the project—that he thought it “altogether unlawful and most horrible*”—that from the time it was imparted to him he could not sleep quietly—that he prayed to God that it might not take effect—that he commanded Greenway to put an end to it†—that he and Greenway conspired to prevent it‡, and that he did all that he could to dissuade the conspirators from their purpose. This is Garnet’s case, stated by himself, nearly in his own language. Let us now consider his conduct, and the ascertained facts of the transaction, and see how far they are consistent with these propositions. Garnet was the friend of Catesby, Thomas Winter, and Greenway. He had avowedly participated with them in two previous capital treasons, one immediately before, the other immediately after, the death of Queen Elizabeth, which he himself considered so serious that he thought it necessary to shelter himself from punishment by a pardon. He had kept the Pope’s breves against a Protestant succession for several years, and had repeatedly shown them to Catesby and Winter, the former of whom constantly referred to these breves as justifying his scheme. Of Catesby, the contriver of this plot, he was the peculiar and intimate adviser and associate. At White Webbs,—at Erith,—at his lodging in Thames-street,—at Fremlands,—in Moorfields,—and at Goat-hurst,—from the time of the King’s accession until within a fortnight of the 5th of November,—Catesby

* Garnet’s Letter to the King, April 4, *ante*, p. 323.

† See Trial, *ante*, p. 294.

‡ Letter to Anne Vaux, April 3. State-Paper Office.

and Garnet are found in constant and confidential communication. Catesby informs him repeatedly in general terms that he had a treason in hand; and yet, according to Garnet, he who had been his accomplice in two previous treasons, does not choose to trust him with the particulars of the third—passes by his friend, the Superior of the Jesuits, and confesses his design to Greenway, a subordinate priest. This strange reserve could not proceed from any apprehension of Garnet's disapprobation of the scheme; for Garnet declares that Catesby had all along no doubt about its lawfulness—that he knew it would prevail; and that he was sure the Pope himself could not but approve it. In truth, no cause ever has or ever can be assigned for this improbable and unnatural silence;—it is inconsistent with the character and relative position of the parties;—it is contrary to the common motives which actuate the conduct of mankind; and, if the facts above stated respecting the intimate connexion between Garnet and Catesby be true, it is absolutely incredible.

Again, Garnet says* that about Midsummer, 1604, Catesby or Winter "insinuated" to him that there was a plot in hand for the Catholic cause against the King and state. He knew therefore, at that time, that a treason was in existence, the object of which was the promotion of the religion of which in England he was the head and chief; and he continues from time to time to hear of it, from Greenway, Catesby, and Winter, for a twelvemonth afterwards. All this time, however, he denies that he knew any particulars, which in itself is sufficiently strange, considering his character and office, and considering who were the promoters of the treason, and what was their avowed object. In June, 1605, Catesby proposes to him the question

* Garnet's Examinations, March 13 and 14, 1605-6, *ante*, p. 276. State-Paper Office.

about "killing nocents and innocents," which has been often before mentioned. One month afterwards, namely, in July, 1605, Greenway, according to Garnet's account, unfolds the whole scheme of the plot to him, at which communication he says he was struck with horror and grief, and immediately set himself to work to prevent the execution of the project. At this point of time, then, at least, when Greenway made his communication, the meaning of Catesby's inquiry, about "nocents and innocents," which at first Garnet says he thought an idle question*, as well as the nature of the plot "insinuated" by Catesby or Winter a year before, must have flashed upon his mind. Did his conscience, which became so uneasy upon this discovery that he could not sleep, prompt him to tell Catesby, that he now perceived his intention in the insidious question he had propounded—that he now detected the scheme he had in hand? Did he then denounce the project to him in the epithets he afterwards applied to it, as being "altogether unlawful and most horrible?" Did he all upon him, by his vowed obedience to himself and the rules of the order, to abandon this ferocious enterprise, disgraceful to humanity, and an everlasting reproach to his religion? He says "he could not do this, because it was matter of secret confession." For the reasons above given, it may be doubted whether Garnet really believed himself bound by the sacrament of confession; —but, admitting that he thought so, it was in his power to relieve himself entirely from this obligation. Catesby, having obtained leave from the other conspirators to do so, offered to inform him in particular what attempt he had in hand, which Garnet refused to hear†. Why did he refuse to hear him? His mind was so disquieted with the story which

* See Trial, *ante*, p. 292.

† See Trial, *ante*, p. 292.

Greenway had told him, that he could not sleep. He earnestly desired—he prayed to God that the project might be prevented; his own tongue, which, if at liberty, might instantly destroy the scheme, was bound by a religious sacrament. An opportunity is offered of releasing him from this solemn obligation, and of leaving him altogether free to follow the dictates of humanity and the suggestions of his conscience. This opportunity he rejects, and the reason he gives to Lord Salisbury for not hearing Catesby when he frankly offered to tell him the whole story is, that “his soul was so troubled with dislike of that particular, that he was loath to hear any more of it*.” Now it is plainly impossible that these facts could have existed, as Garnet relates them; for it is beyond all belief that his conduct could have been as it actually was, if his motives and intentions had been as he represents them. A person troubled in spirit by the possession of a frightful secret,—painfully anxious to avert an impending calamity by disclosing it, but compelled to silence by a religious obligation,—would have eagerly embraced the means of deliverance afforded by Catesby’s offer: Garnet, on the contrary, says he refused it, and gives a frivolous and absurd reason for so doing. His refusal to hear Catesby, under these circumstances, was altogether repugnant to the universal motives which govern the actions of men;—he gives no sufficient reason for so inconsistent an action; and therefore, upon the fundamental rules of all historical evidence, the whole story must be rejected as incredible.

Garnet’s journey to Coughton, only six days before the 5th of November, is a circumstance in his conduct which was repeatedly mentioned by himself with apprehension, as the most liable to suspicion

* See Trial, *ante*, p. 294.

and most difficult to answer, and which is wholly irreconcilable with the motives and intentions which he professed to entertain respecting the plot. "There is," says Garnet to Oldcorne, in one of their interlocutions in the Tower*, "one special thing of which I doubted they would have taken an exact account of me, to wit, of the causes of my coming to Coughton, which indeed would have bred a great suspicion of the matter." "Indeed," he says in a subsequent interlocation, "I was pressed again with Coughton, which I most feared; questioning with me of my times of coming thither, the place, at such a time, and the company." To Anne Vaux he says: "The time of my coming to Coughton is a great presumption; but all Catholics know it was necessity." What the "necessity" was to which he alludes in his letter to Anne Vaux it is impossible to understand; and that it was not understood by "all Catholics" at that time, appears probable from the total absence of any explanation of it by Bellarmine, Eudæmon-Joannes, or any other of Garnet's apologists. It is, indeed, impossible to discover among the facts of this transaction, any explanation of this journey to Coughton consistent with Garnet's innocence of the Powder Plot. A fortnight before the 5th of November, he is found with Catesby and several Jesuits, at Sir Everard Digby's house at Goathurst, in Buckinghamshire †. At this place they separate; Catesby going straightway to London to execute the bloody project; and Garnet, with Mrs. Vaux, and Sir Everard and Lady Digby, travelling to Coughton, the centre of the rendezvous, the place actually hired for the purpose of the conspiracy, and from whence Digby is to proceed four days afterwards to the pretended hunting at

* See *ante*, p. 220.

† See Garnet's Examination, March 6, 1605-6. State-Paper Office.

Dunchurch. The journey from Goathurst to Coughton took place on the 29th of October*. At that moment the preparations of the incendiaries were complete. The powder and combustibles were in the cellar. The hand was raised and ready "that should have acted that monstrous tragedy." Within one week the Parliament would meet, and the catastrophe would take place. Garnet was perfectly informed of all this—the man who abhorred the plot—who, for months before, could not sleep by reason of his alarm—who prayed to God, and did all he could, to prevent the execution of the project,—suffers Catesby to depart to the scene of destruction without even a remonstrance, and he himself quietly travels with a principal conspirator to a place hired by that conspirator expressly with a view to the intended operations of the insurgents after the explosion had taken place. There the insurgents seek him, and thither Catesby sends to announce to *him* the failure of the enterprise. Let us now consider for a moment whether this would or could have been the conduct of a person who really felt, thought, and intended, as Garnet declares he did. In the first place, would he have suffered Catesby to leave Goathurst on his bloody expedition without remonstrance or warning? Would he, under such circumstances, have removed himself to a greater distance from London? On the contrary, would not his anxiety have forced him to the scene of immediate action, to take the chance at least of finding some means of averting the blow he so much dreaded? If this was hopeless, would he not at all events have fled to the remotest corner of the land, instead of incurring the suspicions which must necessarily rest upon him if he sought the rendezvous of these men of blood?

Garnet, indeed, says on the trial, that "he went

* See Handy's Examination, Nov. 27, 1605. State-Paper Office.

into Warwickshire with a purpose to dissuade Mr. Catesby when he should have come down;" and "that if he had come to him upon Allhallow day, he thought he could so far have ruled him as he would have been persuaded to desist*." This attempt to explain his conduct is almost too absurd for serious refutation: Catesby was not to "come down," as Garnet well knew, till the catastrophe was over. He was to proclaim the heir apparent at Charing Cross—to organize the provisional government in London—to choose a protector—and then, and not till then, to join the rendezvous in Warwickshire. Garnet had, therefore, not the shadow of a reason to expect him at Coughton upon Allhallows day. Besides, why should he delay his persuasion until the eve of the completion of the design? Why suspend the fate of the nation upon a single slender thread, and leave to the chance of seeing Catesby the prevention of so horrible a massacre? If, indeed, as Bellarmine and Parsons represent, and as Mr. Butler and Dr. Lingard speculate, he had not been acquainted with the plot till a few days before the 5th of November, his alarm and perturbation of mind might, in some measure, have accounted for his conduct; though even upon that supposition his behaviour would have been most extraordinary and unnatural. But by his own confession, he had known it for many months, and there is strong presumptive evidence that he had known it for a much longer time;—he had talked with Greenway about it whenever he met him;—he had seen Catesby repeatedly, and in particular had been with him at Goathurst a fortnight before the appointed day. Why did he not persuade him then? The seal of confession, if that had really been the reason of his silence, was surely as inviolable on Allhallows day as it had been a fortnight before.

The circumstance that Greenway was at Coughton

* See *ante*, pp. 294, 302.

likewise tends to show the object of Garnet's journey. What could be Greenway's motive for repairing to the rendezvous? Not certainly to discourage a design which both before and after its failure he applauded and approved. Is it then probable that these two priests should, at this critical juncture, be found exactly at this spot, if their views, intentions, and wishes respecting what was going on in London had been so diametrically opposite as Garnet pretends?

The same striking inconsistency between Garnet's actions and professions is displayed by his conduct while at Coughton. On Allhallows day, Oldcorne expressly says* that Garnet, "*in a private manner*, incited those that were present to pray at that time to be rid of heresy; and said a verse or two of a hymn for that day—

' Gentem auferte perfidam
Credientium de finibus;
Ut Christo laudes debitas
Persolvamus alacriter.'"

William Handy also, a servant of Sir Everard Digby's, declares †, that two days before the meeting at Dunchurch, Garnet said, in his hearing, at Coughton, "It were good that the Catholics, at the beginning of the Parliament, should pray for some good success towards the Catholic cause." Of the truth of these statements there can be no doubt, as the substance of them is admitted by Garnet himself. Now, can it be believed that an incitement to pray for the extirpation of heresy, made in a significant and unusual manner, at the very moment when that object was in the act of being attempted by the violent destruction of the heads and leaders of the Protestant party, was likely to proceed from one who abhorred the scheme?

* Oldcorne's Examination, March 6, 1605-6, *ante*, p. 285.

† Handy's Examination, Nov. 27, 1605. State-Paper Office.

So also his recommendation to pray for success to the Catholic cause at the beginning of the Parliament is wholly unintelligible in the mouth of a man who cordially disapproved a plan which he knew to be on the point of execution for promoting the Catholic religion. Upon this subject Garnet himself says, in his first interlocution with Oldcorne*, "Perhaps they will press me with certain prayers that I made against the time of the Parliament for the good success of that business, *which indeed is true.*" "But," he adds, "I may answer that well; for I will say it is true that I did doubt that at this next Parliament there would be more severe laws made against the Catholics, and therefore I made those prayers; and that will answer it well enough." The reader, who looks at the evidence in this case, will perhaps hesitate in coming to the same conclusion; and will probably think that the facts of his praying at this precise point of time, and with his knowledge of what was then on the eve of execution, "to be rid of heresy," for the "taking off of a perfidious people," and "for some good success towards the Catholic cause," are not "well enough answered" by his suggestion that he alluded in such prayers to the threatened imposition of further persecuting laws at the ensuing Parliament. The language of the prayers is precisely adapted for the furtherance of the plot; it is quite inconsistent with the intention ascribed to it by Garnet.

One more instance deserves to be mentioned, in which Garnet's statements appear to be signally refuted by acknowledged facts. Garnet declares that "he commanded Greenway to dissuade Catesby," and that "Greenway said he would do his best to make them desist†." The calm and temperate manner in which this is represented to have been done cannot fail

* *Ante*, p. 217.

† See Trial, *ante*, p. 294, 302.

to astonish the reader, when he considers the fearful extent and murderous cruelty of the scheme to which the command of Garnet referred. The language is precisely that which might have been employed to discourage one of the most insignificant actions of Catesby's daily life, but is surely not such as would have been used to prevent the execution of a design to murder hundreds at a single blow. But looking to Greenway's conduct, it is wholly incredible either that Garnet gave him such a command, or that Greenway promised to urge the conspirators to desist, or that he did in fact do so. Of Greenway's conduct before the 5th of November, we find few particulars recorded except in Bates's evidence; it is clear, however, that he was in constant communication with the conspirators, and there is no evidence, nor has it been suggested, except in his own exculpatory narrative, that he ever, in any degree, discouraged the conspiracy. On the other hand, he is found with Garnet at the rendezvous on the day of the meeting of Parliament. On hearing by Bates, after Fawkes's apprehension, that the conspirators are in open rebellion, he goes after a consultation with Garnet, to join them at Huddington. Catesby and Percy receive him at that place with open arms as an associate and ally, the former exclaiming upon his appearance, "Here is a gentleman that will live and die with us*!" After consulting with the arch-traitors for two hours, he rides away to Mr. Abington, at Hendlip, and tells him and his family, that unless "they presently join the rebels, all their throats will be cut;" and, upon Mr. Abington's refusal to do so, he rebukes him as a "phlegmatic" person, and says he shall go elsewhere, and especially into Lancashire, for the same

* Henry Morgan's Examination, 10th January, 1605-6. State-Paper Office.

purpose for which he had come to Hendlip *. Here then we find the man whom Garnet says he commanded to dissuade the conspirators intimately allied with them for months before the discovery of the treason, and yet doing nothing, and attempting nothing, in performance of the supposed command of his Superior; nay, upon their breaking out into actual rebellion, he even joins them, rides to and fro in the country to excite Papists to arm in their support, and acts in every respect as a zealous promoter of their design. Can it be believed that Greenway, a subordinate priest, would have dared thus to disobey the positive command of his Superior, if such a command had really been issued? Is it credible that Greenway, who had confessed the plot to Garnet, and received absolution on the express condition of his promise to dissuade others from this great sin, should have not only omitted to do so, but have done all in his power to assist and encourage the traitors to promote the treason?

The facts of Garnet's implication in the mission of Fawkes into Flanders, and, subsequently, with that of Baynham to the Pope, must also be taken into the account among the circumstances which press most heavily against him. Fawkes was sent into Flanders by the conspirators about Easter, 1605. The chief object of his mission is stated both by himself and Thomas Winter to have been to acquaint Hugh Owen and Sir William Stanley with the particulars of the plot †, or, as Catesby informed Robert Winter, "to see if he could raise friends ‡." Fawkes was

* Examination of Hall or Oldcorne, March 6, 1605-6. State-Paper Office, *ante*, p. 285.

† History of the Gunpowder Plot, pp. 42 and 56.

‡ Robert Winter's Letter to the Lords, January 21, 1605-6, *ante*, p. 143.

also charged by Catesby to procure Owen and Father Baldwin the Jesuit to deal with the Marquis Spinola in Flanders to make him lieutenant of a regiment of horse there, "by colour whereof he might provide horses in England against the powder-blast should have been given*." The objects of Fawkes's mission being, therefore, altogether the furtherance of the plot, Garnet "writes by him to Father Baldwin in his commendation †." He says on the trial that he did so, "thinking that Fawkes went to serve as a soldier." It is hardly credible that Fawkes, who was well known as a soldier in the Archduke's camp, having served in Flanders during several campaigns, would require a military recommendation at all; still less that he should conceive that such an object would be forwarded by a letter from a Jesuit in England to a Jesuit in Flanders. But, at all events, it could not be necessary to give a special recommendation of Fawkes to Baldwin, as the proceedings conclusively shew that they were intimately acquainted, and had been connected in treasonable enterprises at an earlier period. It was Baldwin, who, with Sir William Stanley and Owen, "employed Fawkes from Brussels into Spain," immediately after James's accession, to "give advertisement to the King of Spain how the King of England was like to proceed rigorously with Catholics, and that it would please him to bring an army to Milford Haven;" and it was Baldwin who explained to Fawkes particularly how he was to negotiate with Cresswell to procure the invasion ‡. For introduction and commendation, therefore, Garnet's letters to Baldwin were at this time quite unnecessary; but, on the other hand, it was of the utmost importance to the conspirators to

* Fawkes's Examination, January 20, 1605-6, *ante*, p. 280.

† Garnet's Confession, March 6, 1605-6, *ante*, p. 278.

‡ See *ante*, p. 140.

have Fawkes accredited to Baldwin by Garnet's authority, with respect to the real object of his mission, which was to communicate the plot and secure his active co-operation.

The circumstance of Garnet's writing to Flanders in recommendation of Sir Edmund Baynham must be considered as an extremely suspicious fact. The object of Baynham's mission to Rome was, as Fawkes says*, "that he might be there in readiness to acquaint the Pope with the successes to be prepared for the relief of the Catholics, after the project of the powder had taken effect;" and the time of his departure, namely, the month of September entirely coincides with this object. Under these circumstances, Garnet accredits Baynham by letters to the Pope's Nuncio in Flanders, and these letters are considered by the conspirators to be of such vital importance, that Bates declares that Baynham was at this critical moment stayed in England, expressly waiting until they should be ready. The reasons given by Garnet himself for this suspicious recommendation are various and inconsistent. In one of his earlier examinations †, and before he had acknowledged his own privity to the plot, he says "that the effect of his letter to Baldwin on behalf of Baynham was to commend him to be a soldier," and he protests that he never wrote to any other effect. A few days afterwards ‡ he says that he named Baynham to Catesby as a fit messenger to be sent to the Pope, to acquaint him generally with the state of England, and to take his advice and direction before the Powder Plot was proceeded in. On his trial he is represented as combining both these accounts; asserting that "he always understood that

* Examination, January 9, 1605-6, *ante*, p. 271.

† Examination, March 6, 1605-6. State-Paper Office.

‡ Examination, March 12, 1605-6, *ante*, p. 272.

Baynham went as a soldier, and that he thought good to commend him to the Pope's Nuncio and other friends in Flanders, that *they* should send him to the Pope to inform him of the distressed state of the Catholics in England, and to learn of the Pope what course he would advise them to take for their own good." And, finally, after his trial, in his letter to the fathers and brethren on Palm Sunday*, he declares, "that he had procured Baynham's mission in order to inform the Pope generally of the plot, and that this was the reason why he so confidently expected from his Holiness a prohibition of the whole business." Now, with respect to his recommendation of Baynham as a soldier, we are first struck with a similar absurdity to that above pointed out in relation to Fawkes, namely, that the Superior of the Jesuits should recommend a military man to the Pope's Nuncio. Besides which, it must be remembered that Baynham could have required no such introduction. He had served under the Earl of Essex on various occasions, and was intimately acquainted with Sir William Stanley and the other English refugees of the Catholic party living in Flanders. But, taking the latest and final reason alleged by Garnet, namely, that he proposed his mission to the Pope in order to negotiate for the prevention of the plot by a papal prohibition, is it credible that for such a purpose he would have employed such a messenger? Could the Superior of the Jesuits find no more fitting emissary on a message of mercy and salvation than the "Captain of the Damned Crew,"—the man of "treasons, stratagems, and spoils"—whose turbulent and unprincipled character was so notorious in England, that the conspirators themselves thought it imprudent to entrust him with any part of the conduct of the project at home, saying, that "he was not fit for

* Antilogia, p. 141.

the business *?" But the conclusive answer given to this suggestion at the trial, and by which its falsehood seems to be demonstrated, was the indisputable fact that Baynham did not quit England until the middle of September; and consequently that it was barely possible, even if he had travelled directly to Rome with the utmost expedition, to have procured the Pope's prohibition, and to have returned with it to England, before the 5th of November. In fact, Baynham used no expedition at all; he went through Flanders and remained some days there, and, did not reach Florence till the 20th of October, well knowing that the real object of his mission would be accomplished by his being at Rome as soon as the tidings of the explosion had arrived there.

Many other circumstances might be mentioned, all of which point directly to a different conclusion from that which Garnet laboured to establish on the trial, and which his apologists, with greater zeal and ingenuity than knowledge, have since urged on his behalf. But the enumeration of all the arguments would extend these remarks, already perhaps too much protracted, to a length of dissertation altogether unjustifiable. There was great justice in what Lord Salisbury said to Garnet upon the trial, namely, that "all his defence was but simple negation; whereas his privity and activity, laid together, proved him manifestly guilty." It is impossible to point out a single ascertained fact, either declared by him in his examinations to the Commissioners, or to the jury on his trial, or revealed by him afterwards, or urged by his apologists since his death, which is inconsistent with his criminal implication in the plot. On the other hand, all the established and undisputed facts of the transaction are consistent with his being a willing, consenting, and approving confederate, and

* Bates's Examination, *ante*, p. 271.

many of them are wholly unaccounted for by any other supposition. Indeed this conclusion appears to be so inevitable, upon a deliberate review of the details of the conspiracy and of the power and influence of the Jesuits at that period, that the doubt and discussion which have occasionally prevailed during two centuries respecting it can only have arisen from the imperfect publication of the facts, and above all, from the circumstance that the subject has always been treated in the spirit of political or religious controversy, and not as a question of mere historical criticism.



INDEX TO THE VOLUME.

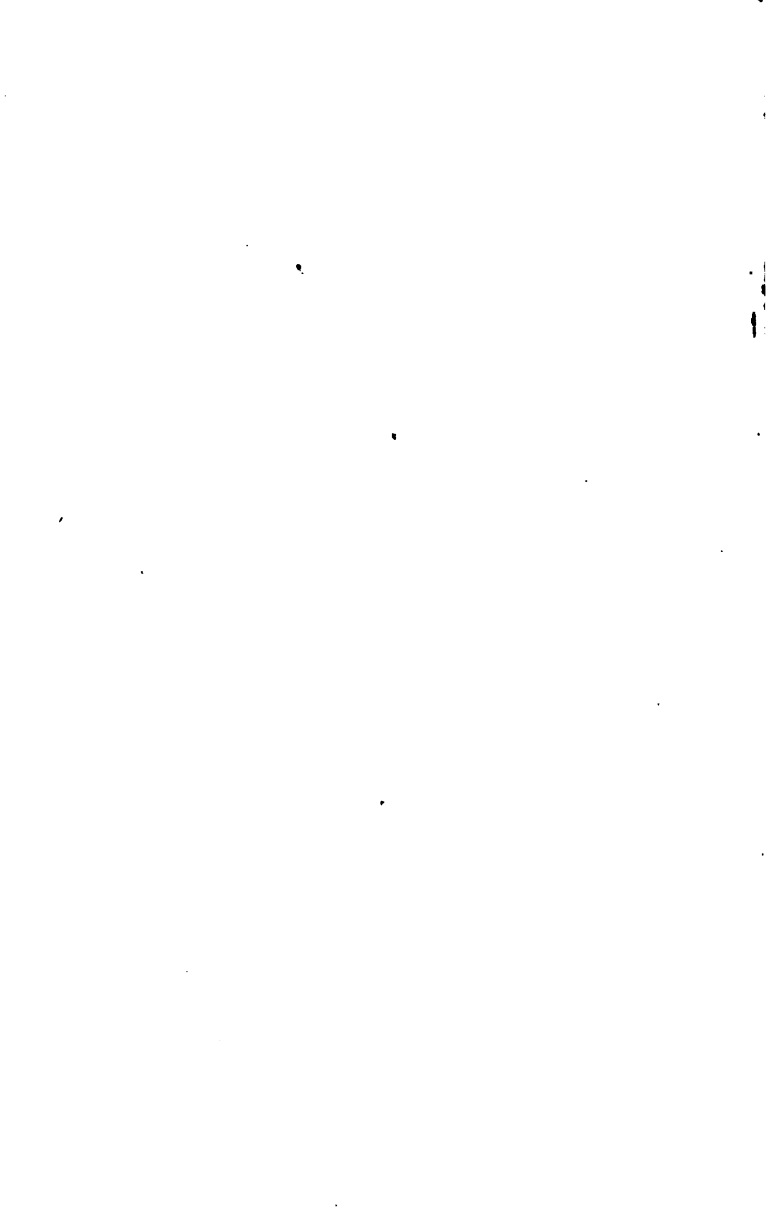
- Abbott, Dr. Robert*, Anthony Wood's account of him, p. 366. (11.)
 Account of his Antilogia, p. 366.
- Abington, Thomas*, description of his house at Hendlip, p. 202.
 Is tried and convicted at Worcester, p. 233.
 His account of his examination before the Council, p. 325.
- Abington, Mrs.*, supposed to be the writer of the letter to Lord Mounteagle.
 p. 62.
- Andrews, Lancelot*, Bishop of Chichester, his answer to Bellarmine, p. 362.
- Antilogia*, account of it, p. 366.
- Baga de Secretis*, description of it, Pref. p. x v.
- Bates, Thomas*, his accession to the plot, p. 44.
 Trial with the other conspirators, p. 115.
 Examinations, p. 163, 281, 283, 286.
 Execution, p. 182.
- Baynham, Sir Edmund*, account of him, p. 47.
 His mission to the Pope, in September, 1605, *ibid.*
 Evidence respecting his mission, p. 281.
 Remarks thereon, as affecting Garnet, p. 400.
- Bell in the Wall*, story of, p. 45.
- Bellarmino*, his defence of Garnet, p. 364.
- Breves*, Garnet's receipt of them, p. 229.
 Evidence respecting them, p. 276, 277.
- Bromley, Sir Henry*, his letter to Lord Salisbury about the search at Hendlip
 p. 205.
- Casaubon, Isaac*, account of his Letter to Fronto Ducsus, p. 365.
- Catsby, Robert*, account of him, p. 26.
 His estimate of the nobility, p. 56.
 His conversation with Rookwood about the plot, p. 52.
 Intimate connection with Garnet, p. 388.
 Death at Holbeach, p. 87.
- Catholics*, Political consequences of the plot to them, p. 1.
 Penal laws in force against them at the beginning of the reign of
 James I., p. 7.
 Instances of their practical application, p. 10.
 Their expectations on the accession of James I., p. 17.
 Few English Catholics acquainted with the plot, p. 187.
- Cellar*, hire of it by Percy, p. 45.

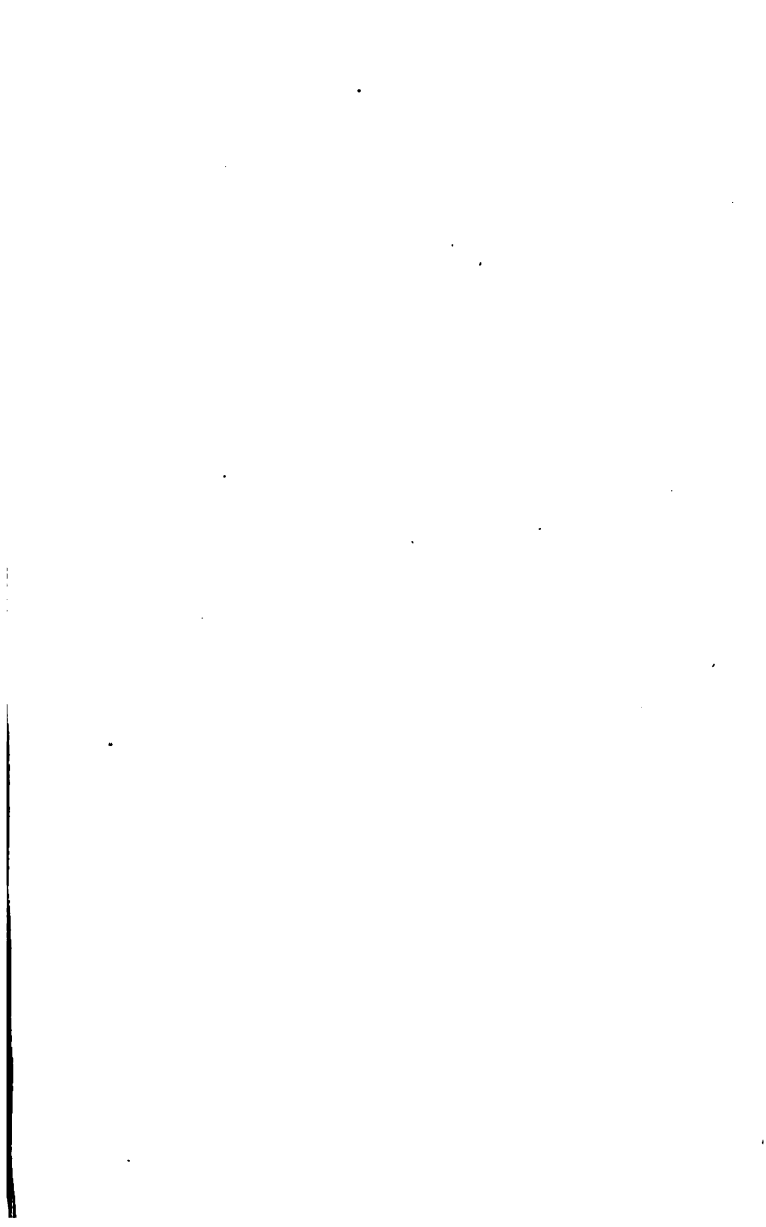
- Chamberlaine, John*, Letter from him to Sir Dudley Carleton on the occurrences of Garnet's trial, p. 312.
- Coke, Sir Edward*, his papers in the State-Paper Office, Pref., p. viii.
 Letter to Lord Salisbury about Tresham's Equivocation, in *artículo mortis*, p. 102.
 Speech on the first trial, p. 190.
 Lord Salisbury's directions for his speech, *ibid.* (n.)
 Speech on Digby's trial, p. 171.
 Speech on Garnet's trial, p. 241.
- Commissioners*, names of, on the trial of the principal conspirators, p. 115.
 On Garnet's trial, p. 238.
- Confession, Sacramental*, remarks upon it, p. 370, 376.
- Caughton*, Garnet's journey thither, p. 201.
 Evidence respecting it, p. 232.
 Remarks upon it as a fact against Garnet, p. 391.
- Cullen's Treason*, evidence respecting it on Garnet's trial, p. 267
- Delvius, Martin*, his opinion on the practice of confession, p. 370
- Digby, Sir Everard*, account of him, p. 50.
 Arraignment, p. 169.
 Letter to Lord Salisbury, p. 24.
 Execution, p. 181.
- Discourse of the manner of the Discovery of the Gunpowder Plot*, remarks upon it, p. 4.
- Dream of Robert Winter*, p. 86.
- Fawkes, Guido*, account of him, p. 30, 31. (n.)
 His apprehension, p. 76.
 Mission from Flanders to Spain, in 1603, p. 252, 273.
 Probably tortured, p. 106.
 Trial with the other conspirators, p. 115.
 Examinations, p. 105, 138, 140, 141, 158, 168, 273, 280, 281.
 Execution, p. 183.
- Equivocation*, Garnet's doctrine respecting it, p. 315.
 Sir E. Coke's remarks upon it, p. 262.
 Treatise on, found in Tresham's desk, p. 103. (n.)
- Eudæmon-Joannes*, account of his Apology for Garnet, p. 364.
 His real name L'Heureux, 365.
- Forset, Edward*, account of him, p. 215.
- Garnet, Henry*, account of him, p. 196.
 Connection with Anne Vaux, p. 198.
 Pilgrimage to St. Winifred's Well, p. 200.
 Concealment at Hendlip, p. 202.
 Apprehension, p. 206.
 His own narrative, p. 207.
 Interlocutions with Oldcorne, p. 216, *et seq.*
 His solemn denial of the interlocutions, p. 225, and 226 (n.)
 Trial, p. 238.
 Examinations and declarations read on his trial, p. 274, 275, 276, 277, 278, 279, 280, 281, 282, 307, 308.

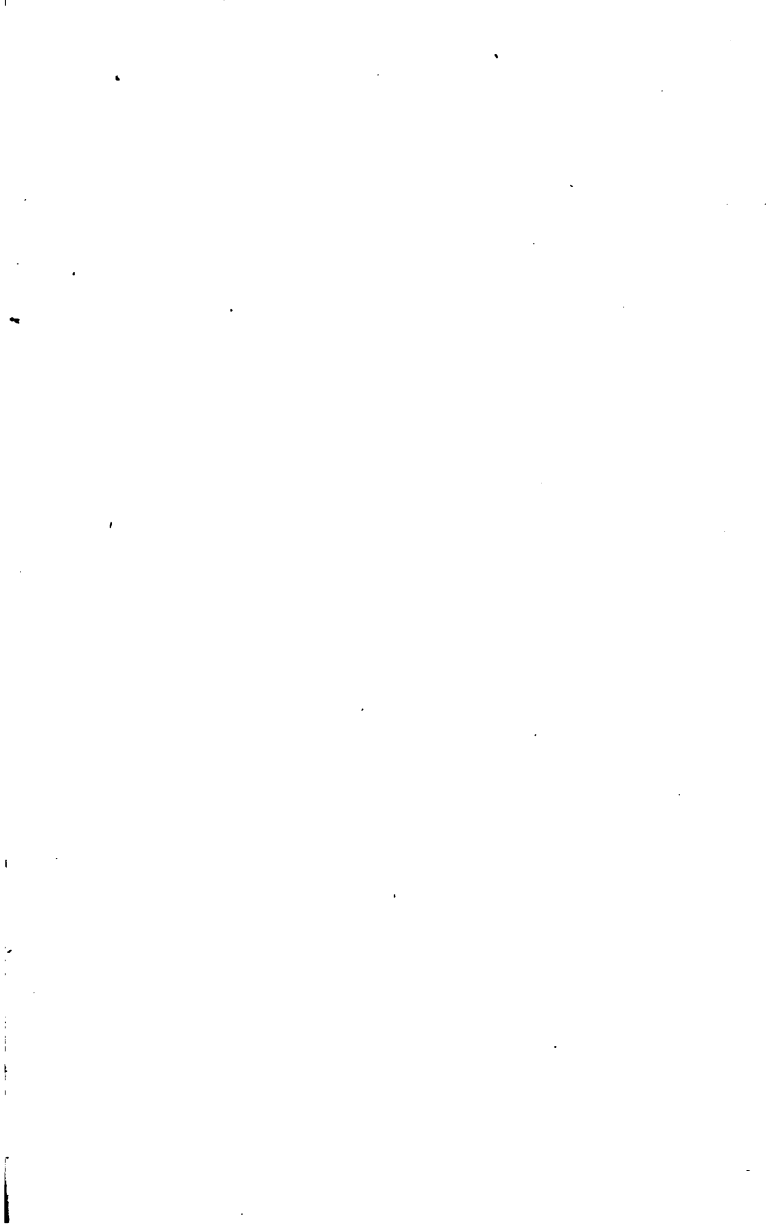
- Garnet*, Proceedings subsequent to his trial, p. 314.
 His opinion on equivocation, p. 315.
 On the obligation of laws, p. 317.
 Intercepted letters to Anne Vaux, p. 307, 321.
 Letter to the King, p. 323.
 Letter on Palm Sunday to the Fathers and Brethren, p. 327
 Last letter to Anne Vaux, p. 332.
 Conversation with the Deans about martyrdom, p. 331
 Examination of April 25th, p. 333.
 Execution, p. 337.
 Miracle of the Straw, p. 345.
 Remarks on his trial, p. 355.
 Historical discussion of the question respecting his moral imputation in the plot, p. 364.
- Gerard, John*, his escape, p. 195.
- Grant, John*, account of him, p. 42.
 His trial with the other conspirators, p. 115.
 Examination, p. 158.
 Execution, p. 181.
 His approbation of the plot just before his execution, p. 187.
- Greenway, Oswald*, his escape, p. 195.
 Oldcorne's account of his going to Hendlip, 265.
 Account of his Narrative, Pref. p. xi.
- Gunpowder Plot*, important in history, p. 1.
 Its character, p. 185.
- Hagley House*, apprehension of Robert Winter and Stephen Littleton there, p. 93.
- Hall, Edward*.—See *Oldcorne*.
- Handy, William*, examination of him, p. 165.
- Hendlip Hall*, description of it, p. 202.
 Lord Salisbury's instructions for the search there, p. 204. (n.)
- Holbeach*, explosion there, p. 85.
 Conspirators killed and taken there, p. 86.
 Sir Richard Walsh's official account of the assault on it, p. 37.
- Hymn* used by Garnet at Coughton, p. 258, *ibid.* (n.)
- Interlocutions* between Garnet and Oldcorne, p. 216.
- Jesuits*, their doctrine respecting confession, p. 370.
 Coke's character of their tenets, p. 126.
- Keyes, Robert*, account of him, p. 35.
 His apprehension, p. 89.
 Trial with the other conspirators, p. 115.
 Examination, p. 162.
 Execution, p. 183.
- Lantern*, found upon Fawkes in the cellar, p. 76. (n.)
- Letter to Lord Mounteagle*, p. 61.
 Remarks upon it, p. 62.
- Lioger*, meaning of the term, p. 125. (n.)

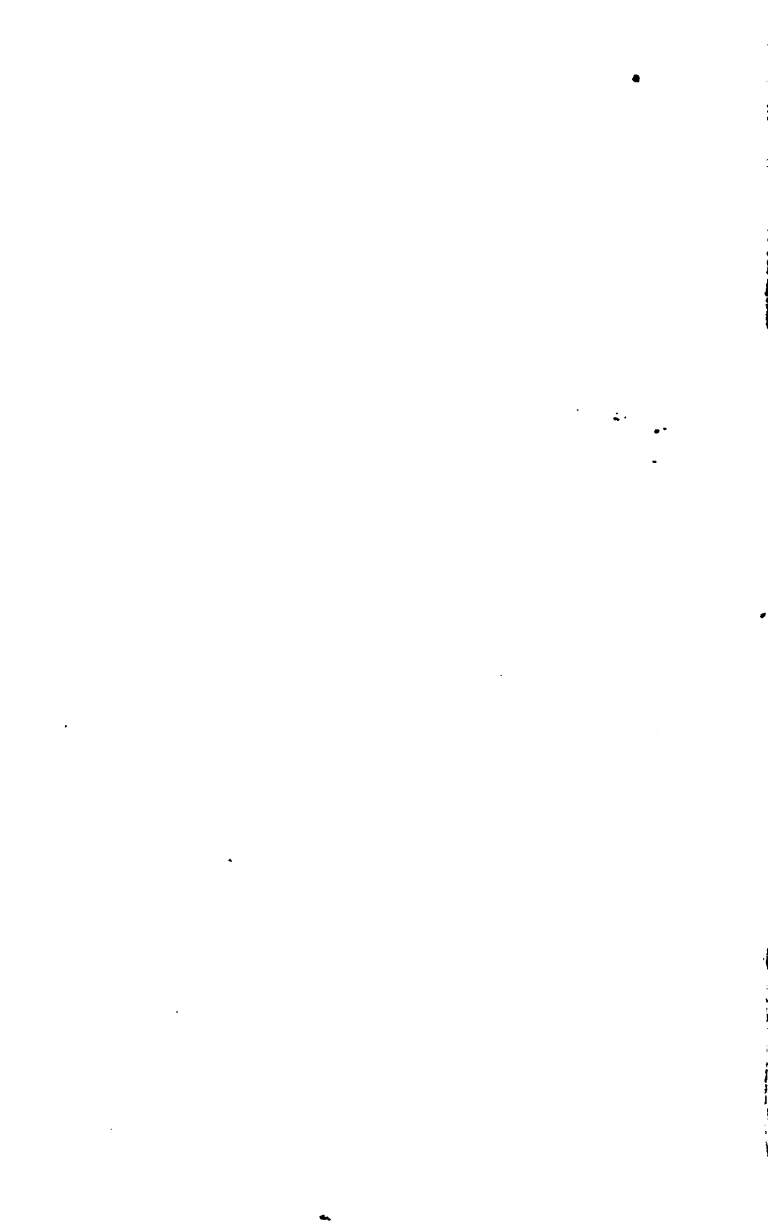
- Littleton, Humphrey*, his accession to the plot, p. 56.
 He betrays Garnet, p. 303.
 His conversation with Oldcorne about the merits of the plot, p. 323, 304.
- Littleton, Stephen*, his accession to the plot, p. 56.
 His adventures while concealed in the country, p. 89.
- Miracle of Garnet's Straw*, p. 344.
- Mounteagle, William Parker, Lord*, delivery of the letter to him, which is supposed to have discovered the Plot, p. 61.
 Implicated in the Spanish treason, p. 67.
 Possibly privy to the Gunpowder Plot, *ibid.*
- Northampton, Henry, Earl of*, his speech on the trial of the conspirators, p. 172.
- Oath of the conspirators*, p. 34.
- Oldcorne, Edward*, invites Garnet to Hendlip, p. 302.
 His concealment with Garnet there, p. 303.
 Conversation with Humphrey Littleton about the merits of the plot, p. 322, 305.
 Examinations, p. 283, 284, 285, 286, 304.
 Interlocutions with Garnet, p. 216.
 He is executed at Worcester, p. 231.
 Called a martyr by Catholics, p. 232.
- Owen, Nicholas*, his suicide in the Tower after torture, p. 214.
- Percy, Thomas*, account of him, p. 32.
 His death at Holbeach, p. 87.
- Pilgrimage to St. Winifred's Well*, p. 900.
- Pound, Mr.*, severe proceedings against him in the Star-Chamber, p. 37.
- Rookwood, Ambrose*, account of him, p. 51.
 His conversation with Catesby on entering into the plot, p. 52.
 Rides from London to Ashby in seven hours, p. 79.
 Wounded and taken to Holbeach, p. 87.
 Trial with the other conspirators, p. 115.
 Examinations, p. 159.
 Execution, p. 183.
- Rookwood, Edward*, his persecutions on account of his religion, p. 12.
- Rushton Papers*, account of, Pref. p. xiii.
- Salisbury, Robert Earl of*, his letter of instructions to Sir E. Coke, p. 120. (n.)
- Sancroft, Archbishop*, collections by him respecting the Gunpowder Plot, Pref. p. xi.
- Squire, Edward*, evidence respecting his treason, p. 272.
- State-Paper Office*, collection of papers there relating to the Gunpowder Plot, Pref. p. vii.
- Tasmond, Oswald*.—See *Greenway*.
- Throckmorton, Thomas*, his persecutions on account of religion, p. 11.
 Instance of legal injustice towards him, p. 12.
- Torture*, Fawkes probably examined on the rack, p. 106.
 Torture of Owen, p. 214.

- Tresham, Francis*, his accession to the plot, p. 53.
 Account of him, *ibid.*
 His narrow escape in the Essex treason, p. 54.
 Requires a warning to be given to Lord Mounteagle, p. 59.
 Suggestion that he was the writer of the celebrated letter, p. 65, 66.
 His conference with Catesby and Thomas Winter at White Webbs, on 30th October, p. 72.
 Apprehension and examination by the Council, p. 97.
 His false retraction of his statement respecting Garnet, p. 101, 305.
 Examination, p. 97, 139, 274.
 His death in the Tower, p. 100.
- Tresham, Sir Thomas*, his persecutions for the sake of religion, p. 10.
 Account of papers found in his house at Rushton, Pref. p. xiii.
- Vaux, Anne*, account of her, p. 199.
 Her connection with Garnet, *ibid.*
 Conjectured to have written the letter to Lord Mounteagle, p. 63.
 Follows Garnet to London, p. 212.
 Her letters to him in the Tower, p. 200.
 Examination, p. 307.
- Winter, Robert*, account of his family, p. 28.
 His accession to the plot, p. 43.
 Journey from Huddington to Dunchurch, p. 80.
 Dream, p. 86, 168 (n.), 169.
 Letter to the Lords of the Council, p. 143.
 Escape from Holbeach, p. 85.
 Adventures while concealed in the country with Stephen Littleton, p. 89.
 Apprehension, p. 96.
 Interlocution with Fawkes, p. 167. (n.)
 Trial with the other conspirators, p. 115.
 Execution, p. 181.
- Walsh, Sir Richard*, his official account of the assault of Holbeach, p. 87.
- Williams and Yorke*, evidence respecting their treasons, p. 270.
- Winter, Thomas*, account of him, p. 28.
 Conversation with Catesby on his joining in the plot, p. 29.
 His subsequent journey to Flanders, p. 30.
 He is wounded and taken at Holbeach, p. 86.
 Trial with the other conspirators, p. 115.
 Letter to the Commissioners, p. 147.
 Examination, p. 146.
 Execution, p. 183.
- Wright, Christopher*, account of his family, p. 28.
 He is slain with his brother, John, at Holbeach, p. 86.
 Sir E. Coke's account of his mission to Spain, in 1601, v. 6, 252
 Fawkes's account of the same mission, p. 273
- Wright, John*, account of him, p. 28.
 He is slain with his brother Christopher, at Holbeach, p. 8
 A sister of the Wrights married Percy, p. 28.










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